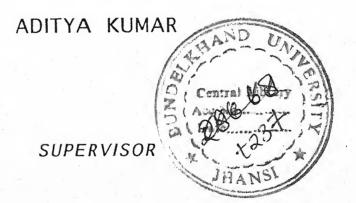
A STUDY OF THE WORKING AND ROLE OF LOKADALATS IN INDIAN JUDICIAL SYSTEM WITH SPECIAL REFERENCE TO BUNDELKHAND REGION OF UTTAR PRADESH

A THESIS SUBMITTED TO BUNDELKHAND UNIVERSITY FOR THE AWARD OF THE DEGREE OF

DOCTOR OF PHILOSOPHY

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CERTIFICATE

This is to certify that Mr. Aditya Kumar who has been working on the subject "A STUDY OF THE WORKING AND ROLE OF LOK ADALATS IN INDIAN JUDICIAL SYSTEM WITH SPECIAL REFERENCE TO BUNDELKHAND REGION OF UTTAR PRADESH' for his Ph. D degree in Political Science of Bundelkhand University under my guidance and supervision, has now completed his work.

This is to certify further-

- 1. that the thesis is original and embodies his own work and that
- 2. He has worked under my supervision for the period required under the ordinance.

(Dr. P. N. Dixit)

SUPERVISOR

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PREFACE

promise of equal justice in our democratic society requires us to dedicate ourselves to the great task of converting that promise into reality. Nowhere does this task appear more challenging than in the need for dispensing expeditious justice to the poor and the weaker sections of the society. Millians of our Countrymen complain against injustice. The weaker sections of society do not have the staying power which the affluent and the well to-do possess. There is an urgent need to search speedier avenues of Justice.

It is one of the fundamental of a true domocracy

That its citizens abould be educated in their legal rights and that the poor ones should be entitled to legal assistence in the assertion or defence of their rights. Therefore the provision of legal aid has been adopted as a Constitutional objective. Art 39 A was instead in the Constitution by the 42nd Amendment in 1976 to fulfil this objective.

The State has recognised its obligations to finance

legal aid programmes and to assist in other ways for bringing justice to the poor. The institution of Lok Adalats is a new innovation in that direction.

Lok Adalat is a part of legal aid Schemes and the most conveninent alternative which supplements the existing system. Lok Adalat means a 'People's Court'. However, a Lok Adalat is not a Court in its existing connotation. It is a forum where voluntary efforts aimed at bringing about settlement of disputes between the parties are made through Concilation and persuation. These are not formal Courts as they are organised by the legal aid Committees with the support of the local bar, prominent Citizens, social activists and retired of existing judicial officers. Cases are decided by consent and therefore, there is no scope for Challenge against the decision taken. Tension arising out of litigation is totally reduced and cordiality is restored.

Lok Adalat Culture is in keeping with the Indian tradition and, therefore, it easily catches the imagination

of the people and is thus an acceptable institution.

There was initial resistence to Lok Adalats in some parts of India. The resistance is fast dying out and now Lok Adalats are welomed by most of the people. They can eseasily provide a supplementing mathod for reducing the number of pending cases.

The present study deals with the working and role of Lok Adalats in Indian Judicial system with special reference to Bundelkhand region of U.P. Bundelkhand has a glorious past but one of the backward regions of the Country. Bundelkhand region of U.P. includes six districts of U.P. # Jhansi, Jalaun, Banda, Lalitpur, Hamirpur and Mahoba. All the districts of the Bundelkhand are in Jhansi division. Most of the area of this region is rural area and t he majority of people belongs to the poor and lower class. Scheduled Castes, Scheduled tribes, backward classes are found here in a good number. The purpose of the selection of this area for the study is to examine the implementaion of Lok Adalats the backward and rural areas.

The Introduction of the thesis is concerning with The Concept of justice. It also gives a critical evaluation of the Indian judicial System and describes the necessity of Lok Adalat and Legal Aid. It also describes a brief detail of the research Methodology.

The first Chapter describes the physiography and History of Bundelkhand and gives a discription of the Bundelkhands region of U.P. The second Chapter deals with the Concept, philosophy, growth and devlopment of legid aid programes in which Lok Adalat is the most important.

The third Chapter gives the outlines of Lok Adalats. It describes the concept, development, procedure, powers and jurisdiction of Lok Adalats.

In Chapter fourth the working of Lok Adalats

especially in the districts of the Bundelkhand region of U.P.

is studied. Chapter fifth tries to trace the general attitude of the the different sections of the society towards

Lok Adalats through two attitude scales.

The Chapter sixth deals with the assessment of

Lok Adalats and describes the advantages and shortcomings

of the institution. The Conclusion of the study

describes the role of Lok Adalat in the region and in Ind
ian judicial system. Some valuable Suggestions to strength
en the Lok Adalats are also mentioned therein.

This work could not be completed without the blessings of my late guruji Dr. U.N.Shukla, whose fatherly affection had always been with me.

My affectionate mother late Smt. Parmeshwari Saxena is a permanent source of impiration for me who left us just when this thesis was being typewritten.

I wish to acknowladge my deep sense of gratitude to my respect teacher and supervisor Dr. P.N. Dixit who not only guided me but also spend his valuable time to see the work and a gave the valuable suggestions despite his weak health. He encouraged me at every stage when I was totally frustated.

I express my thanks to the authorities and staff

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My youngest brother Ashwini Kumar (Rahul) halped me a lot in the typing of the thesis. I express my thanks for his sincerity and pray to God for his bright future.

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to me in the completion of work. The inspiration and affection that I all along enjoys from my sons Pushkar ji, and

Dinkar ji also deserves to be recorded here.

At last, I express my gratitude/my revered father

Sri K.D.Saxena who has always been a scholar of the deep see

of knowledge and encouraged me at every stage.

Orai The 10th Dec. 1995. Aditya Kumar (Aditya Kumar)

ABBREVIATIONS

AIR : All India Reporter

Art. : Article

BC : Backward Classes

CJ : Chief Justice

CILAS : Committee on for Legal Aid Implementation

Schemes.

Cr.PC : Code of Criminal procedure

ed. : Bditorial

FIR : First information Report

Ibid : ididem

LLT : Lucknow Law Times

MACT : Motor Accident Claims Tribunal

ND : New Delhi

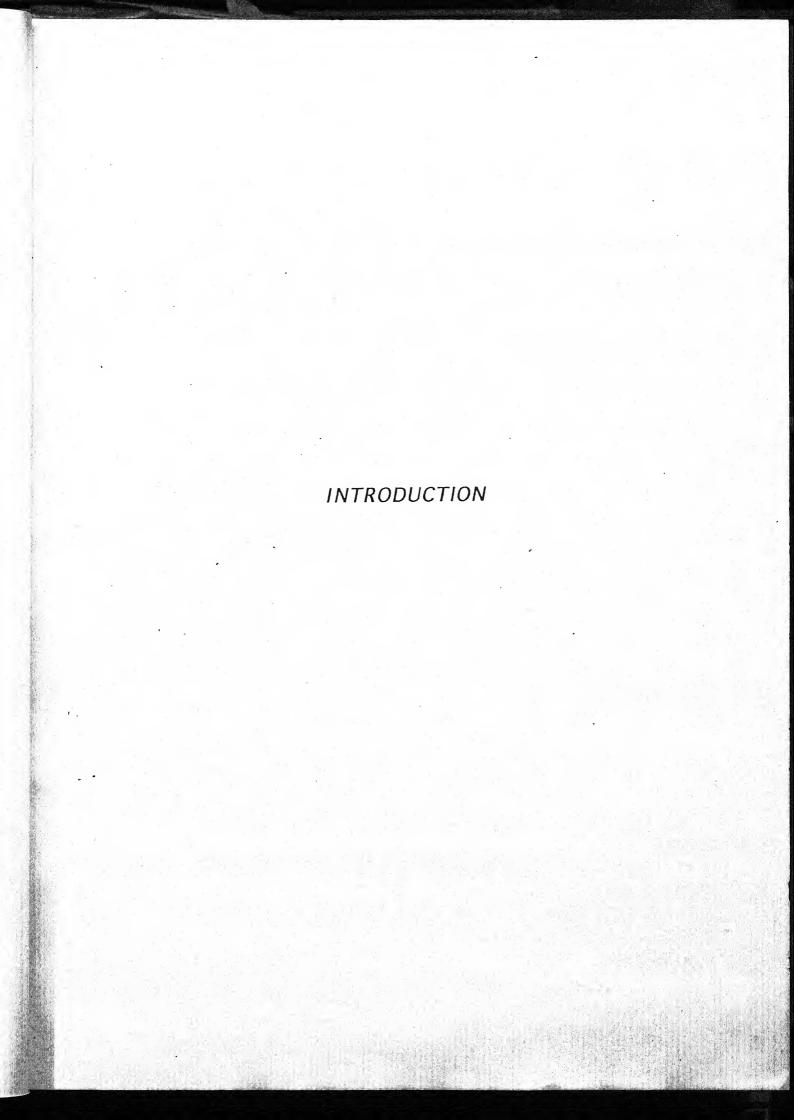
op.Cit. : opers citato(L) (in the work quoted)

PIc + Patron-in-Chief

SC : Supreme Court; Scheduled Caste

SCC : Supreme Court Cases

WJR : World Jurist Association



INTRODUCTION

The society is an earlier form of social group. It emerges from natural friendship. As Raphel says, "It is based on natural will." The State is an association that comes at a later stage of development and is the outcome of deliberate planning or calculation. It is based on "Rational will."

desire for association. The factors that create society are called "common interests" - the common interest to produce food, to rear a family. These common interests give rise to mutual aid and dependence among human beings and help to create society. Now, these common interests give rise to various organizations which may broadly be categorised as communities and associations. The difference between the two is in the

^{1.} D. D. Raphel: Problems and Political Philosophy, London: Macmillan, 1990, Ch.2, p.p.32-33.

origin and scope of their respectives. Communities are spontaneous in origin and evolve unconsciouly; While an association is voluntary, consciously created and contractual. Again, communities are general in the range of interests they serve whether they be small as village communities or large as the national community; while an association is created for a specific purpose, therefore, serves partial or limited interests. A society is thus a mosaic of common interest serving groups, which may be either communities or associations, with most of the modern societies having a predominance of associations over communities. In the logical order of development, society precedes the state. A society creates a state when it has arrived at a clear consciousness of the fundamental distinction between the rights and obligations of the Community in its corporate capacity and those of the individuals composing it.

The state is then an association within society. But as political theorists point out, it is arunique association. The state is a responsible agent of society with a limited purpose; created by it (seciety) for serving specific or limited purposes but endowed with gupreme law making and law enforcing powers. As the overall supervisor of society, the state enjoys legal supremacy. But legal supremecy does not mean legal absolutism. While the first means higher power, the second means irresponsible power. To make the state an sbsolute severeign would be to destroy its agency" aspect, that is, its aspect as responsible agent of society with a limited purpose; while to make it an absolute equal, that is, equal to other associations in society, as the pluralists do, would be to destory the unity of society.

The state is an unique association within

rusted to maintainlaw, order and security and bestowed to this end with supreme legal power. The Greak
view was that the "Polis" or state comes into existence to promote good life and continues for the sake
of promoting good life. As Aristotle says, "The end
of the state is not mere life, It is rather, a good
quality of life."

Although the state cannot directly make men good or moral, nevertheless, it can indirectly help in promoting morality. The State can do this in two ways: Firstly, by creating the necessary for conditions for the growth of morality by removing the obstacles to good life, such as, disallowing the law of jungle or rule of might to prevail, by seeing that the strong do not deny liberty to the weak. Secondly, by

^{1.} Aritotle: Politics (Barkers translation)

P. 118

ation. After all it can not be overlooked that for men to be moral or capable of decisions regarding right and wrong, good or bad, they must first be sufficiently educated to think for themselves and discern.

The famous idealist thinker T. N. Green has defined the morality related function of the State aptly. He says, the end or function of the State is "to give reality to the capacity called will and help realise reason." In other words, the state must premote self determined conduct directed towards reasonable ends where each contributes to the better being of all the rest." Green thus defends education, factory legislation, prevention of food adulteration laws and land-tenure laws as justified attempts by the state to set free potentialities

^{1.} Adi H. Doctor: Issues in Political thory
N⊅.

\$terling Publishers Pvt. Ltd√P.47

for civic goodness possesed by children, factory workers, consumers and tenants.

tates role in providing the essential external conditions for man's real or moral developments for the realisation of the bestself. In other words, the state is concerned with promoting justice and the comm on good, but its agency aspects needs to be emphasized. In promoting justice or common good the state acts as the agent of society. The end of the state is to maintain justice as conceived by the social will to carry out the social will. Justice, so understood, as Barker notes, is the product of a slow evolving social order. 2

So promoting the common good by the state means deciding importially between different competi-

^{1.} Melvin Richievs: 'The Politics of conscience' T. H Green and His age, Harward University Press.

Barker: Priciples of social and Political Theory, London oxford University Press, 1967. Book III

ally between different competiting claims and trying to satisfy these for which the best case a can be made out, As far as the state is concerned the common Good is not a determine goalbut a procedure for making moral judgements. 1

Concept of Justice:-

At least since the time of Plate, justice has been regarded by political thinkers of all persuasions as one of the primary qualities of a good political order. There are so many views about justice. Thus we have the egalitarian perception of justice wherein the highest place is accorded to the value of equality; the libertarian perception in which liberty is ultimate, value; the revelationist view in which justice is the execution of God's will the Hedonist makes the "greatest good of the greatest number" the criterian of justice to the "Harmoniser", justice is the harmonising of

^{1.} Doctor Ali H: Issues in Political Theory p. 51

different and contradicting elements and values to produce a satisfactory equilibrium; some identify justice with duty, some with maintenanceof peace and order; other view it as an elitist function; while to still others justice is 'social ordering' or individual rights" to make matter more complex justice stands for opposed characteristics, which is why Raphel calls it 'Janus like' or dual faced, showing two different faces at the same time. 2 Thus it is legal and moral at the same time; it is concerned with with social ordering and rights society as much as with individual rights; and, finally, it is "Conservative'(Status quo.) looking to the past as much as much as it is 'reformative' looking to the future. As a conservative concept it seeks to conserve the good inthe past, accepting existing values and institution

^{1.}Arnold Brecht: Folitical Theory: Foundations of 20th century Political thought Frinceton University Press, 1965, p.p. 151-155.

^{2.}D.D.Raphes:Froblems of Political Philosophy, Macmillanl India Ltd, Delhi. 1977, ch. vII p. 165.

either in whole or in part, and criticies them or rejects them according to principles which are taken from a transtraditional Scheme of evaluation."

However, with all these advocates, justice is a kind of ultimate value or concept, the value to which either other values are subordinated, or value which synthesises, connects, links or harmonises all other political values (like liberty, equality, fraternity, law and order).

Justice is regarded as one of the important characteristics of an efficient political order. Indeed there has been a temptation to regard justice as the all. encompassing political virtue, so that the good society and just society are one and the same.

The idea of justice draws out attention to a particular feature: namely that the people, as separate individuals, receive the treatment that is proper or fifting for them. This marks it off from other desir-

^{1.} I bid

able qualities, especially from those attacking to the everall character of a society: a country can be economically prospereus, successful at war, or artistically fertite without necessarilly being just.

As Justinian says, "Justice is the constant and perpetual will to render to everyone his due."

The first distinction that needs to be drawn in amplifying this definition is between what is due to a person by way of benefit and what is due by way of punishment. Justice in punishment requires that theree conditions be met: 2

- that punishment should only be inflicted on those found guilty or wrongdoing, using proper procedures;
- 2. that punishment be uniformly imposed, i.e. that differences in penalty should always correspond

^{1.} The Blackwell Encyclopaedia of Political Thought edited by David Miller, 1987 p. 260

^{2.} I bid.

to diferences in wrong doing;

3. that scale of penalties should be proportionate to the various misdemeanours being punished neither too severe nor too lag.

The interpretation of third condition depent ds on how punishment in general is viewed--e.g. wheather as a means of deterrence or as retribution--and it is therefore more contestable than the first two.

Punishment that exceeds the three conditions are unjust, but it is less clear what view we should take if the conditions are fulfilled and yet the effender is let off part or all his punishment. This has traditionally been seen as an exercise of clemency or mercy, but there is dispute in this way. Some philosophers have held that justice sets upper limits to punishment, but does not stand in the way of mercy, which is the quality that perfects it. Other have echoed Kant's view that the demands of justice must be carried

^{1.} The Blackwell Encyclopaedia of Political Thought edited by David Miller, 1987. p. 260

out regardless of circum:stances: 'Even if civil society were to disselve itself---the last murdd-erer remaining in prison must first be executed, so that the everyone will duly receive what his actions are worth...."

When we turn to the broder question of what justice requires in areas where no wrong doing is involved, we find an enormous diversity of view. Historically there has been astrong tendency to see close connections between justice and Law; to be just, whether for a person or for a public authority is to lawabiding. The law embodies general rules specifying how people are to behave towardsone another, and in particular cases determines what each is entitled to by way ofproperty, services etc. Justice means respecting those conventiens and entitlements For most thinkers in the tradition, however, the law itself had to meet certain moral requirement if it was to be regarded as just. 1. Kant I: Metaphysical Elements Elements of Justice (1797)

^{1.}Kant I: Metaphysical Elements Elements of Justice(1797) ta trans. J. Lead Indianpolis: Bobbs-Merrill,1965 p.102

This was often expressed in the terminology of natural law: behind the positive law there stood a moral law, discoverable by geason, and in case of conflict it was the latter that defined justice. Yet although this doctrine approached human law critically, it was usually interpreted so as to have broadly conservative implications. The assumtion was that, in most cases, existing laws simply filled out natural law more explicity. Justice, therefore, has alse a conservative character. It was the virtue that protects a social order in which each person had a legally defined place. 1

Thus the system of law as a whole is called in legal parlance, the system of justice. This is because a system of law is connected with the protection of rights. Benn and peters say that a court of compet-

^{1.} The Blackwell Enclopaedia of Polical Thought, p.268

ent jurisdiction may be said to give just decisions

(or despense justice) when it operates on the basis

of three principles: 1(a) It presupposes rules it justifies differences of attribute or condition, that

is, difference recognised by the rules and (e) it

makes the difference reconised by the rules and (c)

it makes the defferences in treatment, in a broad sense, proportionate. That \$\frac{1}{2}\$, given the grounds of distinction it should still be open to us to challenge

the degree of discrimination.

According to Deam Rescoe Pound, a noted Scholar of Jurisprudence, justice must always be according to law as proclaimed by the State. He is not prepared to concede that there can be justice outside the law. To concede such a position would be to give in to the uncontrolled passion, pre judice and insti-

S.I.Benn and R.S. Peters: Social Principles and the Democratic State, chand & co., New Delhi--55, p. 128.

nct of the person administering justice, and therefore running the risk of being whimsical and unpredictable.

In contrast to legal justice is the concept of moral or natural justice. The stoic first used the word nature to man mean that the ruling principles in the universe was reason. The idea that just or natural laws are laws dictated by reason, is an idea echoed in Hobbes and Locke too. The American (1976) and French (1789) revolutions regarded 'Natural rights' based on the principles of natural justice as fundamental. The abstract notion of Natural Justice informs our modern jurisprudence and many lawyers admit of the principles of natural justice as a small but fundamental part of the legal system. Thus what goes on in a court of law can be criticised from two points of view--the legal and the moral. Legally the administration of justice can be criticised as unjust if it fails to meet standards of 1. Dean Roscoe Found, cited in Mukerji, New Jurisprudence, Eastern Law House, Calcutta, 1970, p.p. 2-3.

fairness required by the procedures of the legal system, Viz, the accused should be informed of the charged levelled against him; he should be given a reasonable opportunity to defend himself etc, while morally a law can be called unjust for failing to meet the moral ideas of justice (the concept of natural law and natural rights)¹.

Freserving a just social order:

Justice has also had reference to the nation of preserving or conserving a just or (correct) social order. To the Amsient Hindus, Justice or Dharma, stood for Varma System which was closely parallel the platonic concept of justice. Justice as social order has both an individual as well as a social aspect. Thus it requires or urges each individual to take only that office to which his work is best suited; it also requires that society or the State (King in Hindu thought) should uphold the 'social order' by assigning to each 1.Dator Adi H.: Issues in Political Theory P. 169

man the office appropriate to his natural aptitude and punish acts of transgression. Thus in Hindu thought the state or the king is enjoined to "Varanashi" uphold "Varnashram Dharma", the fourfold division of society into 'Brahaming' (akin to the levers of wisdom in Flate). 'Kshatriyas' (akin the warrier spirit in plate) 'Vaishyas' (artisans etc; akin to the appetite element in Flate) and 'shudres' (akin to the 'Saave' class in Flate, unfit for any work except the service of others).

The concept of a just social order today is not aristomatic as was the case with Plate. If anything the social order we consider as 'just' today to democratic. Any breach of social order, be it aristocratic, is considered a breach of justice, Criminal law and punishment are designed to protect and preserve this order or social fabric. Penal, remedial and communative justice, as Aristotle/these terms, were means

or machanism for conserving the social order. This conservative concept of justice having as its main object the preservation of the social fabric, naturally tands to emphasise(explicitly in ancient Hindu thought and in Flate not so explicitly in modern times) the notion of duties rather than of rights.

Social Justice:

The term 'Social Justice' attempts to bring the overall pattern of distribution in a society into line with principles of justice. The term first appeared in political debate in the early nineteenth century (it was employed by, among others, John Stuart MILL) and its use has since become widespread. It rests on two assumptions: first, that social processes are governed, at least in broad outline, by discoverable laws, so that it makes sense to try to reshape society deliberately; second, that it is possible to find a source of power-usually in government-suffici-

ent to carry out the reshaping. There have been two major conceptions of social justice, one embodying the notions of merit and desert, one the other those of need and equality.

The first conception entails that each person's social position and material rewards should as far as possible correspond to their place on a scale of merit, an idea also expressed in demands for careers open to talents' and 'equality for opportunity'. It implies the ending of hereditary privilege and an open society in which people have the chance to dishlay their desert. So much is common ground; but there are differences of view about what 'desert' means and how it can best be assessed in practice. For some, desert is a matter of contribution: what talents someone has, and how effectively they employ them. Others would argue that talent as such has nothing to do wit

^{1.} The Blackwell Enyclopaedia of Political Thought,

P. 261.

with desert: people deserve reward only for the effort they expend, and perhaps for choosing to expend it in a more or less useful direction. O_{D} the issue of assessment, liberal thinkers have often seen the free market as the best mechanism for rewarding desert in practice, arguing that the price someone can command for his products or services is a reasonable indicator of their value to others. Socialist critics of this view have pointed out that market receipts are often affected by factors such as luck and social background which have nothing to do with merit; some have proposed instead that desert should be measured, directly, for instance by a public body responsible for fixing salaries in a planned economy.

The second conception entails that goods should be allocated according to each person's various needs. It is closely allied to an idea of EQUALITY, since a programme which successfully satisfies needs

makes people materially equal in one important respect. The idea of need is, however, notoriously difficult to define precisely (see also INTERESTS). It has to be distinguished from desire or preference, since these notions may encompass quite frivolous items; on the other hand, the needs that someone has must clearly vary according to their basis purposes in life. Although there is a biological core to the concept of need, as manifested in needs for food, clothing and shelter, there is also a large periphery in which needs depend on culturally specific lifestyles. In the face of this variability, need-based ∞ nceptions of social justice have followed one of two broad patterns. The more redical, found in COMMUNISM, allows each person to define his or her needs, and assumes that sufficient resources can be created to meet all needs so defined. The more cautious, found in SOCIAL DEMOCRACY, assumes that a public authority must define needs according to the standards prevalling at

a particular time and place. The latter view may allow for a compromise between the claims of need and those of desert—some social resources being allocated on the basis of need through the welfare state, others being allocated according to desert through an economic market or through bureaucratic processes.

Some theories of social justice avoid giving fundamental place to either desert or need. According to UTILITARIANISM, all questions of distribution are to be resolved by reference to overall consequences; a socially just allocation is ultimately an allocation is ultimately an allocation is ultimately an allocation that produces the greatest sum of happiness. John Stuart Mill's Utilitarianism (1861) contains perhaps the most persuasive presentation of this position. RAWLS has developed an alternative theory, the most distinctive element of 1.1 bid.

which is the principle that inequalities in the allccation of goods are permissible if and only if they
work to the benefit of the least well-off members of
of society. This gives the notion of justice an egalitarian flavour, but allows for departures from equality when these serve (for example) as incentives,
creating a greater stock of goods for redistribution
to the worse off.

The preamble of the Indian Constitution postulates that justice—social, economic and political—shall inform all institutions of our national life.

The first task of economic justice to provide employment, food, shelter and clothing to every able bedied citizen. Freedom is an empty word to the unemployed and hungry man, demied human dignity and food. In regard to this area of satisfying the primary and basic needs of all, it has been said that freedom is mean in—

1. Jho Rawls John, "Constitutional Liberty and the

Jho Rawls John, "Constitutional Liberty and the Concept of Justice," in Friedrich and Champnan(eds.). Nomos VI, New York, 1963. P.125.

glæss if it prevents the achievements of economic justice.

Economic justice demands, if necessary. that the state of the national economy be reshaped in such a way that the essential needs of all are met and the benefits of increased production and wealth percelate down to the masses. In out country the socialistic pattern of society was introduced and planning was adopted. Through planning we seek to bring about not only balanced believed regional developments but also a more equitable system of production by preventing undue cencentration of economic power and the growth of menopolistic tendencies. Innumerable agencies both government and private, are involved in the task of achieving economic justice. It is necessary to ensure that as far as possible, citizens are themselves involved in the task of achiving economic justice. If

the task is left solely to government and remains unchallenged, there is every danger of citizens suffering from " the economic tyranny of the planners." Mg. F. B. Mukerji writes "Modern Jurisprudence and theory of Justice, will, therefore, have to inspire and guite modern laws to control a trutyranny and abuse of planning and made planning a part of legal and social order: 1

mination between man and man on the basis of economic values. It implies equal pay for equal work (regardless of sec. of the worker); a fair return for work; provisions of social security and an equitable tax system designed to keep income wealth differences within reasonable range.

The political dimension of social justice involves giving equal political rights to all, the 1. Mukerji P.B: New Jurispondence, Eastern Law House, Calcutta, 1970 p. 12-13

gurant gurantee of universal adult franchise It also implies a fair system of recruitment to the administrative services with no distinctions made on irrelevent grounds. Political justice is concerned with the, equal availability of political rights to all citizens right of association, freedom of movement, speech and thought, as well as the right to some measure of privacy, of course all these individual rights are demed to promote the good of community (good of all): where the right of one is at the expense of others or of the many, social justice gives everriding consideration to the community interest. Hence there are not absolute or unrestricted freedoms (rights) but freedoms with restrictions in the public interest of decency and public order.

The social aspect of secial justice emphasizes that there shall be no discrimination based on Discrimination may be considered illegimate if it deprives a group of people of benefits that are generally nowledged to be common rights.

The aim of social justice, in general, is to correct the arbitrary and uneven distribution of talents and natural abilities, which, given the principle of equal opportunity, results in uneven distribution of wealth and income. That is why social justice seeks to equalise competence as far as this is possible through the provision of universal compulsory education. The underlying value of balief being that the interest of the community as a whole is best promoted by catering to the uplift of the least developed. Rawls says, "But there is no necessity for man to resign themselves to these contingencies that is, the arbitrary distribution of nat-

^{1.}Raphel D.D.:Problems of political Philosophy, mec-millan (India) Ltd, Delhi, 1977 Ch-VII, P. 172-185.

ble order beyond human centrol but a pattern of human action. In Justice as fairness men agree to share one another's fate. In designing institutions they underake to evail themselves of the accidents of nature and social circumstances only when doing so is far the common good." 1 In other words, social justice does not want us to take guidance from human nature; rether it wants us to emprove upon and correct nature by taking a moral starting point which is above or prior to the arbitrariness of the real workd.

Judicial System in India

For a democratic government, rule of law is a basic requirement and far the maintenance of rule of law there must be an independent and impartial Jusiciary. It is embodied in the concept of rule law that equality before the law or equal protection of laws is ensured for

^{1.} Rawls John: A Theary of Justice, Harvard University
Press canibriage, 1971.

all citizen and every citizen is protected from arbitrary exercise of power by the state. Thus is a State professing rule of law, the aim should be to provide for a system which secures to its citizens adequate procedure for the redress of their grieVances against the State before forumms which are able to administer jus-With out tice in an impartial manner any fear or favour. Each country has devised its own system to ensure the maintence of rule of law. The Indian Constitution embodies moder's concept of rule of law with the establishment of a judicial system which should be able to work imparlially and free all influences. The rule of law pervad-Les over the entire field of administration and every organ of the State is regulated by the rule of law. In a welfare state it is inevitable that the jurisdiction of administrative bodies increase at a rapid rate. The concept of rule of law would lose its vitality if the insturmentalties of the State are not changed with the

duty of discharging their functies in a fair and just manner.

The Indian censtitution enshrines the fundamental rights to individuals and in effect, operate as limitations on the exercise of powers by the government. If there is an infringement of the fundamental rights of a citizen, the rule of law requires that there should be a proper forum for the redress of his grievances for the purpose, it is provided that an aggrived person may even more the Supreme Court directly by appropriate proceeding for the enforcement of his fundamental rights. The rule of law under the Constitution thus serves the need of the people. It recognises the social reality and tries to adjust itself to it from time to time avoiding the authoritarian path. 2

It is specifically provided that the State shall not deny to any person equality before the law or the protection of laws. The absence of arbitrary power 1. A.K. Kraipa K V. Union of India,(1969) 2 SCC 262,269

^{2.} Shukla V. N.: The Constitution of India P. LXXIX

is the first essential of the rule of law upon which the Indian Constitutional system is based. In a system governed by the rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. This means that the decisions should be made by the application of known principles and rules, and in general, such decisions, should be predictable and the citizen should know where he stands. ²

the Organisation of Judicial System-

Though India has a federal system, the constitution of India has provided for a double system of Courts. There is a single integrated system of Courts for the Union as well as the $\mathbf{S}_{\mathbf{t}}$ ates which administer both $\mathbf{U}_{\mathbf{n}}$ ion and State laws. The organisation of the subordinate judiciary varies slightly from State to state

^{1.} Jaisinghani S. G.: V. Union of India A I R 1967
Sc 1427 1431

te. At the lewest stage, the two branches of justice, civil and criminal, are bifurcated. The Union Courts and the Bench Courts, constituted under the Village Self-Government Acts, which constituted the lowest civil and criminal courts respectively, have been substituted by Fanchayat Courts set up under post.Constitution State legislation. The Panchayat Courts also function on two sides, civil and criminal, under various indigenous names, such as the Nyaya Panchayat Adalat, Gram Kutchery, and the like. In seem some states, the Panchayat Courts are the Criminal Courts of the lowest jurisdiction, in respect of petty cases.

The Munsiff's Courts are the next higher Civil Courts, hving jurisdiction ever claims up to Rs. 1,000 to Rs. 5,000 (in case of some specially empowered cases) Above the Munsiffs are subordinate Judges. The District Judge hears first appeals from the dicisions of subordinate Judges and also from the Munsiffs (Unless

they are transferred to a Subordinate Judge) and him self possesses unlimited eriginal jurisdiction, both civil and criminal. Suits of a small value are tried by the Provincial small causes courts.

The District Judge is the highest judicaal authority (civil and criminal) in the district. Since the enactment of the Criminal Frecedure Code, 1973, the trial of criminal cases is done exclusively by, Judicial Magistrates, except in Jammu & Kashmir and Nagaland, to which that code does not apply. The Chief Judicial Magistrate is the head of the Criminal Courts withim the district. In 'metropolitan areas', there are Metropolitan Magistrates. The High Court is the supreme judicial tribunal of the State, having both Original and Appellate Jurisdiction. There is a High Court for each of the States, except Manipur, Meghalays, Tripura, Mizeram and Arunachal Predesh and Nagaland which have the High Court of Assam at Gauhati as their common High Court and Haryana which has a common high Court (at Chandigarh) with Punjab; Goa which is under Bombay High Court. The Supreme Court has appellate jurisdiction ever the High Courts and is the highest tribunal of the land.

The Supreme Court-The Constitution deals
with the Union Judiciary in Chapter IV of Part V, in
Articles 124-147. The Supreme Court is the apex court of the country. Farliament can make laws regulating the constitution, organisation, jurisdiction
and powers of the Supreme Court. Originally the Supreme Court censisted of a Chief Justice and seven
other judges. The number of judges was increased fron 7 to 10(1956), 13(1960), 17(1977) and 25(1985).

Every Judge of the Supreme Court shall be appointed by the President of India. The President shall in this matter, consult other persons besided taking the advice of his Mimisters. In the matter of the Chief Justice of Kindia, he shall consult such judges of the Supreme Court and of the High Courts as

he may deem necessary. In the case of appointment of other Judges of the Supreme Court, censultation with the Chief Justice of India, in addition to the above, is obligatory.

A person shall not be qualified for appointment as a judge of the Supreme Court unless he is (a) a citizen of India and (b) either, (i) a distinguished jurist; or (ii) has been a High Court Judge for at least 5 years; or (iii) has been an advocate of a High Court (or two or more such Courts in succession) for at least 10 years.²

No minimum age is prescribed for appointment as a Judge of the Supreme Court, nor any fixed period of office. Once appointed, a Judge may
cease to be so, other than by death, (a) on attaining the age of 65 years; (b) on resigning his office by writing addressed to the President; (c) on

Asser Deliceron - and place are the filled and

^{1.} Art. 124(2) of the Indian Constitution

^{2.} Art. 124(3) of the Indian Constitution

defined being passed by a special majority of each House of Parliament (viz. a majority of the total membership of that House and by majority of not less than two-thirds of the members of that House present and veting). The only grounds upon which such removal may take place are proved misbehaviour and incapacity. The independent of the Judges of the Supreme Court is secured by the Consitution.

The Supreme Court is at once a Federal Court,

a Court of appeal and a guardian of the Constitution,

and the law declared by it, in the execise of any of

its jurisdictions under the Constitution, is binding an

all other Courts within the territory of India. Art.131

of our Constitution vests the Supreme Court with origi
nal and exclusive jurisdiction to determine justiciable

desputes between the Union and the States compesing the

Union as well as between the States themselves. As a

Court of appeal, the Supreme Court is the final appella-

te tribunal of the land. The appellate jurisdiction of the Supreme Court may be further divided under three heads:

- (1)Cases involving interpretation of the Constitution;
- (2) Civil cases irrespective of any constitutional question;
- (3) Criminal cases, irrespective of any constitutional question.

The Supreme Court has also an advisory Jurisdiction, 1 to give its opinion, on any question of law or fact of public importance as may be referred to its consideration by the President. The opinion of the upreme Court can also be invited in cases involving disputes arising out of pre-Constitution treaties and agreements. However, in these the Supreme Court can act only in an advissory and not in judicial capacity. More over, the opinion given by the Supreme Court in such cases is not

^{1.} Art. 143 of The Indian Constitution.

binding upon the government and connot be treated as a judgement of the Supreme Court.

Judicial Review-

The Supreme Court in India has been vested with the power of judicial review. Judicial review can be defined as the competence of a court of law to declare the constitutionality or otherwise of a legislative enactment. Being the guardian of the Fundamental Rights and arbiter of the constitutional conflicts between the Union and the States with respect to the division of power between them, the Supreme Court enjoys the Competence to exercise the power of reviewing ligistative enactments both of Parliament and the State's legislatures. The power of the Court to declare legistive enactment in talid is expressly provided by the Constitution under Article 13, which declares that every law in force, or every future law inconsisteat with or in derogation of the Fundamental Rights, shall be void. Other Articles of

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the Constitution (131-136) have also expressly vested in the Supreme Court, the power of reviewing legislative enactments of the Union and the States. It has to be recognised at the same time that the supremacy of the Supreme Court is limited to the field where the legislative power of parliament is circumscribed by limitations putupon it by the Constitution itself. The Scope of judicial review in India" says Pylee" is sufficient to make Supreme Court a powerful agency to Control the activities of both the legistature and the also insists that such regulation must be reasonable. 1

The High Court- Every State has a High Court operating within its territorial jurisdiction. 2

In India neither the State Executive nor the State

Legislature has any power to control the High Courts

or to alter its constitution or organisation. It is

^{1.} Pylee M.V., Constitutional Gowt. of India. 8. 45 2. Art.214 of the Indian Constitution.

only Parliament which can do it. Appointment and Conditions of Office of a Judge of a High Court

Every High Court shall consist of a Chief Justice

Justice and such other Judge as the President of

India may from time to time appoint. A Judge of the

High Court shall hold office until the age of 62

years. As in the case of the Judges of the Supreme

Court, the Constitution seeks to maintain the independence of the Judge of the High Courts by a number of. The contral of the Union over a High Court is

India exercised in the following matters: appointment, transfer from one High Court to another and removal.

The constitution has not tried to define or classify the different types of jurisdiction in the case of High Court.

An Evaluation of the Indian Judicial System-

ALTERNATION OF THE PROPERTY OF

The judicial system of in our country has been critricised and even condemned from many angles time

to time. The then chief justice of India Justice P. N. Bhagwati has expressed, "The present system (of judiciary) is cracking and people are losing confidence. The Judicial system in the country is almost on the Vaege verge of collapse. 1 Another Justice of Supreme Cour Justice D.A. Desai goes a step further to say, "The Present Judicial system is anti-people, anti-justice and a fruad on the litigants." It must be painfully admitted that out justice delivery system has failed to deliver Justice the goods within a reasonable time. The other impedime nt is the high cost of litigation. Over the years the incidence of Court fees and lawyers fees have increased. The high cost of litigation affects the poor man's right to justice. 3

These deliberations require a serious thought

and careful analysis to system to find out points within

1. Chief Justice P.N. Bhagawati while delivering address
at the Common Wealth Conference, Times of India, Sunday,
Sept. 21,1988.

2. Justice D.A.Desai, "Constitutional Values and Judicial
Activies Journal of the Bar Counint of India, Vol. 9(2)1982
P. 268.

3. Legal Aid News Letter, at 1992-March 1993 p. 19

and careful analysis to system to find out points within and beyond. Our Judicial system is defective for many reasons. It has become too expensive, time consming,
intelerable especially to the lower start; of cliest of
the seciety. The highly expensiveness and delay in justice are two fundamental evils in the system.

In the last two decades there has been rapid industrialization and seciety has become more complex. It resulted new heavy legistation for the welfare of the citizens to achieve greatest happiness to the greatest mumber. Our Parliament has enacted manylaws to achieve socio-economic justice especially to the poor. After 1970 the new legislation such as enactment of U.P. Debt Relief U.P. Meney landing Act, Abolition of beat and age labour system, land reforms laws, Law relating to the factories and industries and etc. has resulted the tremendous increase in the litigation clientage. Number of cases subjudicated in the different High Courts of the

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of the country thas gone up more than twelve lacs. This huge backing especially in the District Courts is the main cause for delay in the dispensation of Justice. The Courts are exercrowded and overburdened with cases which has resulted in delay in the dispesation of Justice and Caused anxiety and dissatisfaction among people at large. The murder rape, bride-burning, bank robberies and dacoity cases nermally take2to4 years or even 6 year for Judgement in the trial court and reaching the first and the second appellate courts. The Process is very slow and expensive which puts the common man in a very digadvantageous position and people are losing faith in it. 1

Our judicial system consists of members of bar, bench managerial staff, the presecution agency and the litigants. The aim of the bar and bench is the same as it is the duty of both the bar and the bench to do justice quickly without any favour or fear. The bench and the bar 1. Lok Adalats: Inmovation in Public Interest Litigation

⁽ The U.P. Journal of Political Scieme Vol. I NOL July-Dec-1989 p. 26

are complementary to each other. But Lawyers have become, habitual of taking unnecessary adjournments on false and fake grounds for their vested interests. These adjournments create dissatis faction among the litigants especially among the poor as it makes the process of Justice expensive and cumbersome. The courts can not be absolved of the responsibility in this matter.

The frequent and liberal adjournments on unsatisfactory grounds make the system slow and the process takes years to arrive at a decision even in cases of miner importance.

The police and public witness so are two eyes of the court through which it sees the occurrance of a case and after analysing the f facts depesed by the witness the court comes to the conclusion and worksout the truth. If the investigation officer has concluded the investigation speedier, impartionally, honestly and carefully and public eyewitness have narrated the facts truely and unfolded the real and true story of a case before

re the court, the truth is bound to come out and justice is achieved. If the investigating officer and public eyewitnesses are hired liers and they adopt delaying tactics inappearing in the court and producing evidence in it late and they are not fair, the court is helpless as it can not go out of the record of the court. The Pendency of investigating officer's and pulic eyewitness of not appearing in the courts for evidence despite repeated issuance of summons and warrants against them is peristing, endangering justice. Generally in Police the investigating officers do not appear promptly in the courts for examination and the case to adjours even for a dezen times for this unjust reasons. In the civil cases far the monied litigants, it in very easy to obtain adjournments for frevelous grounds and some time the witnesses are restlained by the powerful muscleman and Sometime by giving temptations of many 1-1-Kinds, due to vested interest. It is seen that despite

nesses for evidence by the prosecution, public witness specially the Policeofficiers investigating officers and arresting officers do not turn up, Consequently the result of the trial goes in flasce and the murder, bride burning, bank robbery, dacoity, rape henious crime cases, after formal trial go in acquittal.

A Vital part of Indian people is illiterate. is an important reson of crimes. Most of the people, in cluding literates, know nothing about the laws enacted for their benefit of the cases decided to advance their cases. Absence of the legal literacy creates many problems before-them. They have to depend on lawyers and others. So the poor and downtrodden seen in a quite uncomfortable position.

Necessily of Legal and Lok Adalats-

India is a developing country which is facing many challanges in the different field. More than half of

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the population of India is under the poverty line and llitarate. A Vast amount of economic deparity is found in the society. The poor are helpless before the money and muscle power of the rich. It is very difficult for the poor to find justice in the present social condit ions. They are bound to compremise according to the will of the rich and powerful. It is obvious that neither pp pompous legislative declaration nor pontific judicial pronouncement, are of the slighest use, the masses of the people who know nothing about the laws enacted for their benefit. The continuance of this situation would create a situation in which public would lese the faith in the system of judiciary. Though the preamble of the Indian Constitution stresses on 'socio-economic-Political' justice. It is seen we could not achieve the above goal till now. The cencept of 'Legal aid to the poor is a step in the direction to solve the above problem. To C

India has a democratic government and constitution. Art. 38(1) of the Indian constitution says "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, Economic and political, shall inform all the institutions of the national life."

In 1976, the the 42nd amendment of the Indian took place and Arg. 39(A) was added. Art 39(A) says

"The state shall secufe that the operation of the legal system promotes justice, on a basis equal opportunity, and shall, in particular, provide free legal aid, by suitable legistation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."2

To fulfil the aim expressed by the constitution

Several legal-aid programss were made. A 'central legal

aid implementation committee' was established by the Cen
1. Art 38(1) of the Indian Constitution.

^{2.} Insetted by the censtitution (42nd Amendment) Act, 1976

becames the patran of the committee. The aim of this committee was to search the ways to give free and speedy justice to the poor. In every state capital of India. 'The legal aid and advice Boards were formed and In every district' District Legal aid and Adwisory Committees' were established which find directions from the 'Legal aid and Advicory poard' of the state. The District and session Judge becomes the President of this committees.

The aim of this legal aid programme is to do efforts for community legal education, Voluntary legal advice instant justice and free court assistance throught which the law may be brought to the door of common man and, justice may be done to him without seeking it.

The 'Lok-Adalat' is an experiement which is implemented not merely for free legal aid to poor but for the invo-

explaitation and for making the legal system more relevent to society. The Lok Adalats are organised by the District Legal aid and Advisory committees in the different parts of the country. The Lok Adalat seeks resolution of peoples' disputes at their door steps by discussion, counselling, persuation and conciliation, resulting in a speedy and cheep dispensetion of Justice. It is participatory Justice' in which people and judges interast in an informal manner. 1 In the official Journal of Legal aid implementation committed of Govt. of India the then Chief Justice of India Justice P.N. Bhagwati said, "....that the more important/essential than traditional court oriented legal aid programme is the preventive legal service programme, if we want to bring about socio-economic change in the country through the precess of law. The preventive legal service programme also aims it prevention and elemination of various kinds of injustices which the poor as a class suffer because of poverty and endevo-

Diwea Paras: Justice at dooistep. Tribune (Chandigarh)
 Dec. 25, 1985

urs to launch a frontal attack on the problem of poverty with ultimate goal of its eradication from the society. The legal aid programme and the Lok Adalat movement involves novel more dynamic and multidimensional use of skills of a lawyer and expects the lawyer to perform the role of providing representation to groups of social and economic protest. It does not regard litagation as playing or even significant role in like of the poor and hence refuses to consider the Court as the centre of all legal activity and is concerned with the problems of poor as a class rather than with individual problems of poor which may be projected in litigation in litigation in court."1

Reseach Methodology-

The research methodology is a systematic, controlled, empirical and critical investigation of hypothetical propositions about the presumed relations among natural phenomena. The investigation is so ordered that 1.Legal aid News Letter April-Sep. 1986 p.11

Karlinger Fred N.: Foundations of Behavioral Reseations of

invertigators can have critical confidence in research outcomes. The research observations are tightly disciplined. And this apporach can be referred as scientific. Hence approach is used in research methodology which is a special systematized form of all reflective thinking and enquiry. The survey research methododogy has been used to assess, analyse and study the suject based on Primosing matter. The study is chiefly and secondry source material. Survey research is considered to be a branch of social scientific research which immediately distinguishes surveys research from the status survey. The procedures and methods of survey research have been developed mestly by Psychologists, sociologists, anthropologists, economists, political scientists and statisticians.

Sample surveys attempt to determine the incidence, distribution, and interrelations among sociological and psychological variables. Although the approach and 1.4 A Campbell and G.Katona: 'The Sample Survey: A technique for Social Science Research. Chap-I.

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technique of survey research can be used on any set of objects that can be well defined, survey research for—uses on people, the vital facts ofpeople, and their be—liefs, opinions, attitudes, motivations and behavior.

Types of Surveys—

Surveys can be conveniently classified by the following wdethods of obtaing information; Personal interview, mail questionaire, panal, telephone, and controlled observation.

(i) Interviews-

The best examples of survey research use the personal interview as the principal mothod of gathering imformation. This is accomplished in part by the careful construction of a schedule or questionaire. Schedule information includes factual information, opinions and attitudes, and reasons for behavior, opinions, and attitudes.

(ii) Panel Technique-

The next important type of survey research is the panel technique. A sample of respondents is selected and interviewed, and then reinterview and studied at la-

ter times.

(iii) Telephone Surveys:-

Telephone surveys have little to recommend and them byond speed and law cost. Especially when the interviewer is unknown to the respondent they are limited by possible nonresponse, uncooperative and by retutance to answer more than simple, superficial questions.

(iv) The Mail Questionaire-

This method is popular in education. But the Responses to mail questionaires are generally poor. Returns of less than 40 or 50 percent are common. As parten says, "Most mail questionaires bring so few returns, and these from such a highly selected population, that the findings of such surveys are almost involved population."

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^{1.} M. Parten, Surveys, Pells and Samples, New York: Harpu & Roa 1150, Chep. I pp. 391-402.

In survey research a flew plan or chart to outline the design and subsiquent implementation of a survey. 1 The flew plan starts with the survey, lists each step to be taken, and ends with the final report. First, the general and specific problems that are to be solved are as carefully and as completely stated as possible. The next step is the flew plan is the sample plan. The other step in a survey is the construction of the interview schedule and other measuring instruments to be used. The step outlined above constitute the first large part of any survey. Data collection is the second large part. Interviewers are oriented, trained, and sent out with complete instruction as to when to interview and now the interview is to be handled. In the best surveys, interviewers are allowed no latitute as to when to interview. They must interview these individuals and only these individuals designated, generally by random dovices. Some latitude may be allowed in the actual interviewing and use -- 4:-0-14-41-1-1-154,-14-141-141-1 1.Campbell and Katona op.Cit, p.p 391.

of schedule, but net much. The work of interviewers is also systematically checked in some manner. The third large part of the flow plan is analytical. The reponse of questions are coded and tabulated. Cooling is the term used to describe the translation responses and respondent information to specific categres for purposes of analysis. 1

Tabulation is simply the recording of the numbers of types of responses in the appropriate categories, after which Statistical analysis follows: percentages, relational indices, and appropriate tests of significand. The analysis of the date are studing, collated, assimilated and interpreted Finally, the results of this interpretative process are reported.

Servey reasearch has the advantage of wide scope: a great deal of information can be obtained from a large population can be studied with

Goode W. Hatt P.: Methods in socials research, Newyork
 Mc Graw- Hill, 1952, pp. 315-325.

much less expenses, Survey research information is accurate within-sampling error, of course. Survey research also requires a good deal of research knowledge and sap-histication.

The area of the study of working and role of Lok Adalats is concerning with the Bundelkhand Region of U.P. This area includes six districts of Uttar Pradesh: Jhansi, Jalaun, Lalitpur, Banda, Hamirpur and Mahoba (extehsil of the district of Hamirpur). This region is one of the backward region of Uttar Fradesh. Mhe study of the Lok Adalats in this agea is based on the primiary and secondary sources. Books on Jurisprundence and Indian Constituties articles published in research Journals, news papers and magzines have been widely consulted. Data relating to the Lok Adalats have been Collected from the each headquarter of the each district of Bundelkhand region of U.P. with the help of Legal Aid and advice committees.

All possible methods of survey research have been used to study the work. Personal interviews, Panel

techniques, Telephone surveys mad mail questionaires are used to gather the necessary informations.

The scaling of attitude in the present study

(in the last fifth chapter) has followed the Likert Me
thod. 1 The first step in Construction of an attitude sc
ale was collecting number of Statements covering the area

of Lok Adalats. The Statement were written on the basis of

newspaper, editorials, magizine articles, books etc..

The following instructions were given to the respondents—"The present scake is only to measure your attitude towards the functioning and role of Lok Adalats.

Read the statement carefully and put a tick mark to one of the 5 responses indicate of your choice.

Please see that you make a tick mark for only one reply or Choice. You have to reply to all the statements.

The subject were to respond in terms of their agreement or disagreement with the items in a five point

^{1.}Likert R.(1932): A Technique for Measurement of Attitude
P. 140.

continuum namely, Stongly Agree/Agree/Neutral/diagree/Stro-ngly disagree. A careful study of the responses received
helped to draw a Conslusion.

CHAPTER-I A STUDY OF THE BUNDELKHAND REGION

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A STUDY OF THE BUNDELKHAND REGION

Bundelkhand may be described as the tract lying between river Jamuna on the North, the Chambal an the north west, the northern arcuate scarp of the Vindhyan plateau on the south and Mirzaput hills of Vindhya range on the east. The Name "Bundelkhand." Which is derived from that of the ruling Rajput clan, is comparatively modern. 1 Upto the end of 12th century; the Chandelas with capital at Mahoba were the dominant race in the western half of the region. 2 Turkish envasions so weakened the Chandels that they and their country fell an easy prey to the warlike Bundelas. Then came the Marathas and after them the British gained ascedency in this region. On the eve of the outbreak of the Revolt of 1857, Bundelkhand included the British districts of Banda, Hamirpur, Jalaun, Chanderi (Lalitthe same of the pur) and Jhansi; the Treaty States of Orcha or Tehri, 1. Irvine W.: Later Mughals. Vel II p. 216.

Cotto Lin Emple Carried

^{2.} IBID p. 216.

Datia and Samthar, and a number of States held under Sanads and grants from the British Government.

Physiography and Natural Resources

Bundelkhand (24 $^{\circ}$ 00"---26 $^{\circ}$ 30"N and 78 $^{\circ}$ 10" ---81 31' E) is bounded in the Morth by the Upper ganga Plain, in the south and east by Bindhyachal-Baghelkhand Region, and in the west by Malwa and Udaipur-Gwalior Region. The region covers an area of 50,458km. The region includes Six Districts of Uttar Pradesh: Lalitpur, Jalaun, Banda, Hamirpur and Mahoba. Mahoba had been a tehsil Distt. Hamirpur till 1994. Recently U.P. Government announced Mohaba as a geperate District Bundelkhand also includes four districts; Datia; Tikamgarh, Chatarpur and Pantna and two tahsils; Lahar (Bhind District) and Bhander (Gwalior District) of Madhya Pradesh. 1 The Yamuna river separates it from the Ganga Plain in the north and the water divide of the

Singh Marendra Pal: Resources Appraisal And planning in India p. 14

Nema Narmada and the tributaries of the Ken and the Betwa marks the southern boundary. In the east, the Vindhian hills in the north and panna-Ajaigarh ranges in the south are spread from south-west to north-east. The Singh and the Chambal rivers flowing south-west to north-east ascertain the western limit. Thus, the region is hemmed from all sides by the natural boundary. As such, since the ancient times up to the present, the Bundelkhand region has an entity in itself. And till today, the geographers who have attempted India regionalization, have taken Bundelkhand as a separate region of mese level.

Relief

The relief of Bundelkhand is so pertinent that it can easily be divided into two sub-region of firit order; Upland Bundelkhand and L_0 wland Bundelkhand. Stamp. (1922-24) 1 included it in the central Indian For-

^{1.}Stamp. L.D.:ASIA: A Regional and General Geography, Methum, London 1967, p.p. 274,78.

eland, and divided into two subregions: northen plain and southern highland. M.B. Pithawala (1939-48) sundered Bundelkhand into Trans-Yamuna Tract on the one hand in Rajputana Uplands on the other. In his classification of India Karzi S. Ahamad (1942) included Bundelkhand plainig/the Ganga Plain and Bundelkhand Uplad Upland in the Malwa plateau and central Indian Ranges. Spate (1954) 1 included Bundelkhand into the Ganga Plain and divided it into the Trans-Yamuna Alluvial Venear in the north and the Central Vinghyan Country in the South Comprising gneissic Bundelkhand, Vindhyan Rock zone and the Rewa Plateau. R.L. Singh, et. al. (1971) 2 made a cri-#tical appraisal of Bundelkhand as a mese level region and divided it into Bundelkhand plain in the north and Bundelkhand uptand in the South.

The topography of the region shows the feebleness of old age. Except the southern hills, the region

Spate, D. H.K., India and Pabistan: A general and Reginonal Geography, Methuen, London, 1987 pp. 351-54.
 Singh R.L.: India: A Regional Geography, N.G.S.T.
 Varansi, 1971.

is a subducted plain towards north. It may be shown by their hypsomatric curves of 300m, 300 to 450m, and above 450m, 67.7% of the area is under 300m, 3.6% is above 450m. and the rest is included between 300 to 540m.

Drainage

The Yamuna is the biggest stream of Bundelk-hand but is less contributive to the regional water resources, as compared to others. It makes like a wall at its southern bank which is 15 m to high 45m. high and doest not permit any irrigation scheme towards south from its perermial rem-coff. The Betwa is the second largest river of the region. The total length including all curves is 262 Km. It rises from Vinghyan ranges in Bhopal district at an elevation of 468 m. above meansea level and enters in Bundelkhand through south-western corner of Lalitpur Tahsil, Hitherte it

48 Km. The river flown with rapid current in the rainy seasan \sharp :The depth of the river at Jhansi is about 12 m. In rainy season, its discharge, at Hamirpur is about 700,000 cusecs and in flooded year it reaches upto 8, 15, 000 cusecs. It passes through rocky with steep gradient and has many suitable sites for storage of water and hydel-power stations. The Dhasam is the tributary of Betwa which rises from the Vindhyan hills near Bhopal at an attitude of 600m. After flowing about 16km, it enters the sagar district. Making the Southern boundary of Lalitpur tahsil, it joins the Betwa river at Garauther tahsil of Jhansi district. The rises from the Vindhyan hills (Damoh District of M.R.) andjoins Bundelkhand with two tributaries; One makes the southern boundary of Bijawar tahsil and the other excludes pawai tahsil from Panna. After making the Western poundary of Panna district it enters in Banda District and joins Yamuna near chilla village (Banda). It

has many falls and steep flew Courses. In Laundi Tehail it tends to form raviner eroding its left band heavily. The hilly nature of the terrain through which the river flows, is such that its renders the river, unsuitable for navigation. The Sind rever forming the north-western boundary of Bundelkhand has little. impact upon the regional water resources. The Pahuj rises from Lalaonj Villege. (Jhansi tahsil) and it makes an independed Catchment area with Sind river. It has made many natural resourtes in which Pahuj reservoir is worth nothing. The river flows through uneven Country with a rocky and sandy bed. The Baghain and its tributaries drain the eastern part of Banda plane. It rises form kohoray hills (Panna district) and enters in Banda district adjacent to Masaumi-Bharatpur. Flowing south to north in the middle of Banda district, the river joins Yamuna river near Bilas Village (Banda District).

Climate

The regional existence of Bundelkhand, between the two monoonal types of martime climate of the east coast (Bay of Bengal), and the tropical Continentaldry climate of the west (Indian desert) imposes the features of a traditional climate. Temperature and the lengh of the growing season all through the year are the problems with the agricultural economy in the area. But the Uneven spatial and seasonal distribution of moisture and precipitation causes serious disability to the economy. Climate has a trementous influence on the regional economy and man has as yet gone with offset this disability though petentials are substantive.

The monsoon climate represents rhybhm of Season:

- (i) a Cook dry season of northernly winds from October to February, opening way to
- (ii) a hot dry season from march to early June and
- (iii) a hot wet season of wouth-westerly winds from J_{U} -ly to mid-October, the season of the opening way to the dry cool season a round the winter solstice.

er gradually Cryatallises into the cool and mainly dry season with average tempratures varying 16.50 to 21.0 C. When cold waves sweeps over the region from west or north west, nights are shilly and frosty. The Western disturbances (cyclenes etc) bring rain-fall, beneficial to the rabi crops though small in total amount and often there is a wave of cold weather. From April, the Weather rapidly runs warmer and finally the hot dry season sets in.

By March, the days and nights are getteng hot in the region and heat continues to increase through, April and May. The following dry summer season is signalized in general by sharp ascend in temprature and resultant retrench in relative humidity. The average seasonal temperature varyfrom 29.5°C. to 32.0°C in summer but when heat becomes oppressive followed by followed by scorching winds mercury often marks 38.0°C or more. Due to intense terrestrial radiation and lack of harziness in the sky and being away from the source of dust regions of the west, Banda marks the higest number of sun strokes every year. One or two pre-monsoon showers

shower with lightening and hait are regerded in Bundelkhand, though local storm in March and April which cause damage to the harvest.

The normal date of mensoon in Bundelkhand region falls in third week of June. 1 There after, it reaches towards western U.P., and Punjab about two weeks later. The subsequent details about monsoon, can be studied by tracing the form of two branches of the namely monsoon, namely, Arabian, Seabranch and the say of Bengal Branch. 2 Orography of Bundelkhand, related with the tropical depressions originating inthe Bay of Bengal and the Arabian Sea, is responsible for rainfall over the region. The South-West monsoon accounts for most of the rainfall which spreads in uneven spatial distribution. The uncertainty of its arrival, and pluctuations in seaconal and annual amount is a serious problem indeed.

Forests and Soils

Forests are of Vital significance to amplify
the effectinveners of rainfall by minimising run-off,

1. Das P. K., The Mansoons, National Book Jrust, 1968,
P. 13

^{2.} I bid p. 15

maintaining water table and increasing humidity by transpiration. In most of the accessible areas, perests have virtually been exploited. Erosioph Erosion is severs in the revines of the Yamuns, the Betwa, the Ken and the sind rivers, Over-grazing render torrential rains to gorge out revines, hundreds of fect deep sandy outwash ruins large areas in the plain and causes changes in the stream Cowrses. Progress has been made by afforestation, and contour bumding which is ramified almost in the whole Bundelkhand but much remains to be done.

About 5.9% of the total area is under forests (30,544Km) in Bundtlkhand of which 64.8%, 23.5% are classified as protected reserved, and enclave and vestit. In the management of the reserved farests, the main principle to be kept in view is that these are conserved primarily far insuring a steady supply of timber and other forest products. The economy of nature regarding rain-fall maintaining water supply in springs and streams preservation of soil and mitigation of climatic condiditions are also considered considered in the contrivance of the forests. The protected forests on the other hand are conserved to supply penmamently. The Soils of

the arm of the first was a contract to

BundelKhand are mainly of residual as well as depositional origin, due to their genesis from the Vindhyan rack system traversing Bundelkhand from west to east. The Soils are generally of shallow to meduim depths and are underlined by partially or undecomposed disintegrated parent material. They are old and have a close relationship with the rocky substratum. On the basis of physiography, the soils of the area vary from the lawland's of the Betwa and the Kenrévers to uplends of the Vindhyan hills. 1

History Of The Bundelkhand

It is during the reign of Harsha Vardhan (606 to 648 AD) that we got out notice of Bundelkhand, The country to the south of the Jumna was known as 'Jeja-bhakti' or 'Jejahoti', and was described by the Chinese traveller, Hiuen Tsang. about 612 AD. On the Harsha's death a period of confugion ensued, and from that time the sovereignty of tract probably belonged to the rulers of Kannauj. About 810 A.D., the throne of Kannauj was shifted by Nagabhatta, the ambitious ruler of the Gujara-Pratihar Kingdom in Rajputana the Capital of Raychandhuri, S.P.Land and Soil, National Bood Trust, New Delhi, 1966.

^{2.} Gazetteer of the District of Jalaun p. 115.

which was at Bhimal, and passed about 640 A.D. to his grandson, Mihira, usually known as Bhoja, who was unquitionably a very powerful monarch, ruling over the whole of the central portion of north India.

Meanwhile the Chandel power was being consolidated at Khajurahu and Mahoba, and the power of Kannauj; which had received severe blow Rashtragutra king. India III of Central India, about 916 A.D., was further weakened by the attacks of king yasovaman Chandel between 940 and 950 A.D. This ambitious prince vastly increased the power and comfirmed the stability of his dynasty by the conquest and and occupation of the fortess of Ralinjar.

The history of the Chandel Kings is much more closely associated with the districts of Bands, Hamirand Jhansi their rule extended to, but appears little to have affected the district of Jalaun. One tradition says "that Kalpi was one of the eight great Chandel Forts. In the palmy days of Chandel rule, Under Madanvarma and Paramardi of Parmal (1128 to 1182 A.D.) the limits of their deminion extended as far west as 1. Gazetter of the district of Jalaun p. 115.

the Sindh river, and the tract between that stream and the Pahuj was possibly a border land, which now belong ed to one and now to another of the contending paramount lords of Northern India. At any rate when Prithwinaj, the Chauhan ruler of Ajmer and Delhi, led his expedition against parmal in 1182 A.D., he was met by the Chandel forces at serssnagarh on the Pahuj. Which appears to have been the frontier of their Kingdom. The disastrous fight which took place there left the way open for the advance on Mahoba, and, with the Capture of that place, the Chandels ceased to be fuling power in this portion of Bundelkhand.

The Bundelas

Tradition ascribes the origin of the Bundelas to Fancham, the son of Birbhadra last Gaharwar Raja of senaras. The story told is that airbhadr, during his life time, divied his Kingdom among his sons, giving half-to the four elder and half to the youngest and favourite Son, Pancham, The division unnaturally caused much illf-eeling, with the result that when the father died: Pancham was expelled and his share-divided among his four brothers. Pancham in great distress went to the famous

shrine of Bindhychal, five miles west of Mirjapur, and practised the most severe asecticism in honour of the goddess Durge. After several days of fasting and other penances, he resolved of offer his own head as a sacrifice: but before his determination was consummated, the goddess spoke and promised him that he would become a king. Pancham however asked for a visible sign, and on not receiving one resummed his religious chants, took his sword and tried to out his threat. The goddess there open appeared and told him that his descendants would rule ever central India, and that is Commemoration of the drop (Bund) of blood that fell from his seld-inflicted would, his descendants would be called Bundelas. 1 Pogoson interpret the term Bundela to have been derived from two world words-boond'(a drop) and wata (person).2 Pancham then callected his fallowers, defeated his brothers, and seized the kingdom and made Beners his eastern capital. Pandham is said to have named his son Bir Bundela and to have sent him to oppose the advance of Tatar Khan, Afgan, in 1193 AD. Bir Bundela ascened the

^{1.} Chhatra Prakash, P.P 8

^{2.}Pogson W.R: A History of Bundelas p. 8

throne in 1214 A.D., and extended his Kingdom to the west, north and south. In 1231, he is said to have subdued Kalpi and Mahoni and to have annexed Kulin-jar, and some eighty years later, of in 1313 A.D. his grand son Arunpal came and made Mohoni his Capital.

The Bundelas owe their importance in history to their position as chiefs and rulers, a position which they won for themselves by their undeniable valour. Their nationalist spirit and turbulent nature had made it difficult for other powers to keep them under their sway for a long span of time. The Rajas of Bundelkhand long struggled to maintain their independence against the Mahommedan power of Delhi. The British too had to face enormous difficulty in subjugating them and in bringing about peace and tranquillity in this region. According to Colonel Sleeman, "the feeling of nationality which exists inthe little states of Bundelkhand arises from the circumstances that the mass of the land holders are of the same class as the Chief Bundelas, and that the public establishments of the state are recruited almost exclusively from that mass." He adds that 'like the

^{1.} W. H. Sleeman: Rambles and Recollections of an Indian Official, P. 185.

Highlanders of Scotland, the Rajput landholders of adds
Bundelkhand are linked to the soil in all their grades,
from the prince to the peasant, 1 and that in the states
governed by chiefs of the military classes, nearly the
whole produce of the land was utilised to maintain soldiers or military retainers, always ready to fight for
fight for their chief. The Bundelas are famous for their
loyalty and devotion to their chiefs, always ready to do
or die at their behest.

MARATHAS AND BUNDELKHAND

The Bundelas came into prominence during the time of Raja Chhatrasal, the son of Champat Rai, in the closing quarter of the 17th and the beginning of the 18th century. He challenged the Imperial authority and created much trouble for the Mughals in Bundelkhand. He finally succeeded in carving out an independent kingdom for him with its headquarters at Panna. Mohammad Khan Bangash,

^{1.} Ibid. P. 185.

^{2.} Ibid. P. 192.

who has made a name in history as the founder of the house of Nawabs of Farrukhabad, was given the Subedari of Allahabad after the downfall of Sayyid brothers, with instructions to induce the Bundelas to submission. Hewas thus pitted against Chhatrasal, In the beginning of the year 1727 Mohammad Khan Bangash led his second expedition into Bundelkhand with a large force and defeated Chhartasal on several occassions. After a sanquinary action in June 1728, Chhatrasal retreated to the fort of Jaitpur which the Bangash forthwith invested. The siege proved to be long drawn out and arduous. At length the fortress fell into the hands of the invader in December 1728. In the same month Hirde Shah and Jagat Raj. sons of Chhatrasal came in and surrendered. Soon after Chhatrasal also submitted. In these circumstances, he agreed to submit to the Imperial authority, to deliver up all the places he occupied; and to permit the establishment of imperial outposts throughout his country.

^{1.} His first expedition took place in 1724. W. Irvine: Later Mughals, Vol. II, P. 231.

For Some-time the vanquished rebels remained quietly in the Bangash Camp awaiting instructions from the Imperial Court, Mohammad Khan Bangash having suggested to the Emperor that he would escort them to Delhi. Three months passed without any reponse from the headquarters. Meanwhile the rivals of Bangash at Delhi, getting jealous of his success and growing fame began to spread the rumout that he and Chhatrasal had entered into a pact to uproot the Mughal dynasty. Moreover Chhatrasal wrote to Burhan-ul-mulk Saadat Khan, a rival of Mohammad, Khan Bangash, praying for a sympathetic treatment, and he received favourable response. This encouraged the Bundelas to renew the struggle. In February 1729, on the pretext of celebrating the Holi festival, the aged Chhatrasal was permitted to leave the camp and to proceed to Surajmau. But he was playing a double game. On the one hand he had won over Saadat Khan, on the other be had sent 'urgent messages and piteous calls both to Chimnaji Appa at Ujjain and to Baji Rao, to come with all speed

speed and save his life and fortunes. 1 Baji Rao decided to go to his resoue and wrote to Chimnaji to this effect vide his letters of January 9 and 23, 1729. Chhatrasal sent confidential emissaries to Baji Rao, imploring him to come to his relief. Baji Rao was at Garha in February 1729 when he received this message. He moved expeditiously informing Chimnaji that "he was proceeding to succour Chhatrasal."

Baji Rao had with him about 25,000 horsemen commanded by his trusted lieutenants. On March 12, 1729 Baji Rao was received by Chhatrasal's son at Mahoba, and the following day Chhatrasal himself arrived "having contrived to escape from his confinement and brought him presents and marks of honour." In the struggle which ensued Baj. Rao inflicted severe defeats upon the Bangash and ultimately confined him in his camp. While the siege was still going on, small-pox broke out in the Maratha camp and thousands of their men died. The rainy season had also set in. Alarmed at the losses by disease 1. G. S. Sardesai: New History of the Marathas, Vol. II.

P. 105.

and anxious to go home, the Marathas raised the siege. Baji Rao left for Poona on May 23, 1729. Chhatrasal continued the siege with 20,000 men still him. But when he came to know that quim Khan was hastening with a force of 30,000 men to his father's deliverance, he deemed it more prudent to come to terms with Mohammad Khan Bangash, who was allowed to retrest from Jaitpur to on signing a written agreement that he would not attack them again and would remain content with the tribe they had formerly paid to the Mushal Emperor. 1 On his arrival in the camp, Quaim Khan proposed to his father to renew the struggle but Mohammad Khan Bangash declined to break his plighted word. Thus was Bundelkhand lost to the Mughals. Mohammad khan Bangash was superseded by Sarbuland Khan as Subahdar of Allahabad.

Chhatrasal had now become too old. He was fully aware of the weakness and rivalry of his successors.

So, in order to preserve theindependence and rivalry of

1. Ibid p. 241.

of his posterity, he, divided his territories into three ee parts, one of which he bequeathed to the Peshwa Baji Rao "on the express condition that his heirs and successors should be kept by him and succeeding Peshwas in possession of the remaining portion of his territory."

The country thus bequeated to Reshwa consisted of Kalpi, Hata, Sagar, Jhansi, Sironj, Kunch, Garhakota and Hirdenagar, the revenues of which were computed at Rupees 30,76,953.1.1.

The other possessions of Chhatrasal were divided into two separate states—the Raj of Government of Panna and the principality of Jaitpur, which were respectively bequeathed to his two sons, Hirdeshab and Jagat Raj. The remaining sons after the usual Rajput practice obtained small appangaes for their support. The relations between Baji Rao and Hirdeshah and Jagat Raj remained very cordial. After the invasion of Nadir Shah, Baji

Rao entered into a special and secret alliance with them, 1.W.E Irvine: Later Mughals, Vol. II, P. 241. Gore Lal gives the number of Chhatrasal's sons as sixty-eight-Gore Lal Tiwari: Bundelkhand Ka Sanchipt Itihas, p. 231.

guaranteeing mutul protecion and support against the Mahommedans. "The Rajas of Bundelkhand agreed to accompany Baji Rao in all his incursions across the $\mathrm{Jum-}$ una and Chambal" and "to share in all prize and conquest in a proportion corresponding to the numerical strength of their respective forces." They promised "in case of Bajee Rao's being engaged in a war in Deccan, to defend Bundelkhand for at least two months, and if an end of that time the Mahrattas should not be advancing to their assistance, they will make the best terms they can as a means of temporary safety; but break them the moment they are joined by their Hindo allies." Baji Rao's share of the territories of the former Raja Chhatrasal exclusive of Jhansi was now fixed at five lakhs of rupees. 1

Baji Rao died on April 28, 1740 and his eldest son Balaji was invested with the robes of Peshwaship on June 25, 1740. The Peshwa gradually extended his posse-

^{1.} Grant Duff: A History of the Marathas, Vol. I, pp. 406-

ssions in Bundelkhand by conquest. In 1742, Orchha was attacked by an army sent under Naro Shankar, whose ruler Bir Singh Deva, had killed Jotiba Singhis, Mathar Krishna and some others of the detachment that had been sent to realize chauth from him. The Rája made a feeble resistance. He was captuled and imprisoned in the fort of Jhansi. Orchha was burnt and razed to the ground. Later on negotiations started and the Raja was released and Orchha was restored to him on condition of his giving up Jhansi to the Marathas and paying a suitable fine for the murder of Jotiba Sindhia and others. Thus Jhan**s**i became an important Maratha outpost in this region and Naro Shankar was appointed its first Subahdar. He established a town at the foot of the fort.

In 1747, Peshwa Balaji Baji Rao concluded a new and more specific agreement with the Rajas of Bundelkh-and, by which the territories in his hands were increased so as yield 16 1/2 lakhs per annum besides an equal share in the diamond mines of Panna. The Bundelas thus 1. Grant Duff: A History of the Marathas. Vol. 1.p.438.

had, by the middle of the 18th century, lost a very large portion of their ancient possessions on both sides of
the Dhasam river and the Marathas had established themselves firmly in Bundelkhand.

The two remaining parts of the possessions of Chhatrasal were further divided into smaller units and were held by the numerous descendants of his legitimate sons or the nominal adherents and rebellious servants of the declining branches of that family. The share of Raja Hirdeshah passed from his grandson Hindupat to two rebellious servants of his family named Beni Hazuri, and Kaimji also known as Khemraj Chaube. Beni Hazuri established independent authority at Panna, and Khemaraj Chaube obtained the possession of the fortress of Kalinjar with the adjoining districts. Jagat Raj was succeeded by his son Pahar Singh. To avoid further animosity, he divided his kingdom between himself and his two nephews, Guman Singh and Khuman Singh, sons of Diwan Kirat Singh. Pahar Singh was acknowledged Raja of Jaitpur and Guman

Singh and Khuman Singh were known as Rajas of Banda and Charkhari respectively. 1 The agreement failed to bring about the desired result, for the share of Pahar Singh was afterwards entirely usurped by Guman Singh and Khuman Singh, whose posterity contended in their turn for the sole possession of the entire inheritance of Jagat Raj. Jealousy and distrust thus prevailed among the successors of Chhatrasal and each secretly aspired to bring about the ruin of the other and become the sole master of Bundelkhand. "Thus the seeds of discord were sown, which producing envy and animesity, ripened into a war, which deluged the province with blood and occasiomed the subversion of the power and the final subjugation of the Boondela Chiefs".

Nana Phadnavis, the most able and intelligent
Maratha statesman of the age, observing that the Bundelas had, by their mutual wars, discord and dissensions,
almost ruined their power, sent Nawab Ali Bahadur to Ma-

^{1.} W.R.Pogson: A History of the Boondelas, p. 112.

hadaji Sindhia's camp to wait for a favourable opportunity for occupying Bundelkhand. During his attempt to re-establish the Maratha power in northern India, Mahadaji had appealed to Nana for men and money. Nana, in response to this request, remitted five lakhs of rupees and ordered the despatch of a strong detachment to the north headed by Tukoji Holkar and Ali Bahadur. 1 Ali Bahadur met Mahadaji on November 6, 1788 at Mathura, but soon they fell out with each other. Sindhia found him not loyal to his policies and under the sinister influence of Tukoji Holkar. Ali Bahadur claimed an independent position for he and his co-commander had not been directed to act as subordinates to Mahadaji, as this would be derogatory to their status. Nana himself instigated Ali Bahadur against Mahadaji. The relations between them were further embittered by the activities of Anup Giri Gosain, better known as Himmat Bahadur. The latter had made a secret understanding with Ali Bahadur,

^{1.} Ibid. p. 158.

its object being to remove Mahadaji from the Court and instal him in his place. The crisis came to a head when Ali Bahadur gave refuge to Himmat Bahadur who had been arrested by Mahadaji on the charge of having employed black magic to encompass his ruin. Ali Bahadur thus fell in the estimation of Mahadaji.

Himmat Bahadur, who now began to play a conspicuous part in the history of Bundelkhand was a disciple of Rajendra Giri Gosain. He originally commanded a body of troops in the army of Nawab-Vazir, Shuja-ud-daulah. His interest in the affairs of Bundelkhand was personal because he and his late Guru bad belonged to this region. While in the service the Nawab-Vazir, he in association with Karamat Khan had led an expedition in December 1762 against Raja Hindupat of Mahoba, 'shose refractoriness was rankling like thorn' in Nawab's bosom. He had put off payment of the tribute to the Nawab-Vazir on one pretext or another. The expedition failed miserably. Himmat Bahadur's troops could not stand the fierce spear charges

of the Bundela horsemen, and within a few hours his army fled from the field in precipitation. Karamat Khan fighting bravely was slain and his head was carried in triumph to Raja. Himmat Bahadur, though completely routed, did not lose hope. After the defeat of Nawab Shuja-ud-daulah at the battle of Buxar in 1764 and his flight to Farrukhbad, Himmat Bahadur again entered Bundelkhand and availed himself of the anarchy prevailing there. Soon after he entered into the Mughal Emperor's service and later became Mahadaji Sindha's follower' as he was the absolute controller of the Emperor's affair." In this way he came into contact with Ali Bahadur, who had been sent by Nana Phadnavis to Mahadaji's camp. Himmat Bahadur was an opportunist with no steady allegiance. He had left the Nawab-Vazir in his time of distress, and now he betrayed Sindhia. Ali Bahadur arrived in Bundelkhand towards the end of 1791. First with the assistance of Himmat Bahadur he attempted to realise tribute from the former Bundela vas-1. G. S. Sardesai: New History of the Marathas, Vol III,

sals. But the old Maratha Chiefs, such as Balaji Govind and Gangadhar Govind, the two sons of Govind Pant openly opposed his new plan. Mahadaji also had his stakes in Bundelkhand especially, in Gwalior and Gohad which he had his stakes in Bundelkhand especially, in Gwalior which he had reduced to obedience. To safeguard it, he sent his troops there. Ali Bahadur had two sons, Shamsher Bahadur and Zulfiqar Ali. Shamsher Bahadur was at poona when his father died. So during his absence, his uncle Ghani Bahadur placed Zulfiqar Ali, only two years old, on the masnad, assumed the command of the troops and continued the siege of Kalinjar. Himmat Bahaur was allowed to retain in his hands the management of territories acquired by him. He excercised considerable influence over the Regent and the Council of Bundelkhand.

Shamsher Bahadur was determined to take possession of the territories acquired by his deceased father.

Therefore he promptly marched to place himself at the helm of affaris in Bundelkhand. Attended by a small esc-

ort, he arrived at Kalinjar in 1803. His first act was to seize and imprison Ghani Bahadur in the fort of Ajaigarh, where he had him poisoned. 1 By now the famous treaty of Bassein between the English and Peshwa Baji Rao II had been concluded. It provided for the cession to the East India Company the region of Bundelkhand recently conquered by Ali Bahadur. Thus the later portion of the 18th century marked for Bundelkhand a period of radical changes. Its eastern region had been constantly a theatre of war; In short, there prevailed a condition of general anarchy and people had become accustomed to insccurity of person and property, in consequence of which agriculture languished and trade stagnated.

On Dec 31st, 1802. 1 treaty Bassein was signed by which the Pashwa agreed, cede territory of the values of 26 lac of rupees for the maintenance of a British force. By a supplemental provisions empodied in this treary on December 16th 1803, a portion of this territery was 1. W. R. Pogson: A History of the Boondelas, p. 123.

exchanged for a part of that the Peshwas pessession in Bundelkhand, where also further transfers for the support of a force of cavalry were made, amouting in all to land estimated to yield a revenue of over 36 lakhs.

In pursuance of the treaty, the British prepa
ted to eccupy and administer the territopy ceded by the

Peshwa and a large force crossed the Yamuna at Rajapur

and proceeded to Karwi where it was joined by a large

centingent of Himmatbahadur. To oppose the invading army,

shamsher Bahadur left Kalinjar and took up his position

on the west bank of Ken opposite Kamwara 3.5 Km, from

Banda, but was quickly driven out and completely defeated

at Kapsa, 15 Km. South-West of Banda by the combined for
ees forces of the British and Himmatbahadur while he was

on his way to Kalpi to join Nama Govind by the British.

In the death of gangadhar Rao the Chief of Jhansi, in November 1853 without natural heirs, the Jhansi State lapsed to the British Government. The Jhansi

superintendency was formed after the lapse of Jhansi State with the district of Jalaun, Chanderi and Jhansi.

Thus by the end of 1853, the British Government had Considerable expended its possession in Bundelkhand.

The Revolt of 1857:-

The threat of the rapid expansion of the British hegemony over Bundelkhand and the policy pursued by the British administration was bound to have far reaching repurcussions and creats widespraded discentent among the ruling phiefs whose Frincipalition had been annexed or were pending annexation on one pretext or he other, among the dependents of these chiefs who had been thrown out of employment and thus deprived of their means of livelihood and among the mass of the people who were leath to welcome the down of foreign influence over their land. This discentent erupted occasionally in the spape of speradic outbursts much earlist than 1957.

The causes of the revolt of 1957 in Bundelkhand (1) Annexation under 'Dectrive of Lapse', (2) Land
settlement Policy (3) Dread of conversion due (a) the
activities of the christian missieneries, (b) Social Legistation (c) Western education and (d) innovations,

(4) grievances of the sepoys especially their annoyance
against the greased cartridges, and (5) superstitions and
rumours, Viz 'chapati', 'Letus' and 'Bone Dust Story'Current during the time which excited the people. 1

In Bundelkhand, the revolt of 1857 first cemmenced at Jhansiand very soon the entire region, was invelvoted in a plaze of insurrection. Rani Jhansi joined the
rebels when the British refused to acknowledged her right
to adopt an heir to the Jhansi Gaddi annexed her state and
threatened to treat her as an instigator of the rebellion
of the sepeys at Jhansi. The Rani vacillated for same
time. But once she had decided to throw in her lot with
rebels, She fought like a true hereine driven out of Jha1. Sinha s Narain: The revolt of 1857 in Bundelkhand p.39

The Property Sales Harries As 1. The Disks.

nsi by the British forces after a flerce battle in which "even women were seen working the batteries and distributing amunition." She administered the eath to her followers that "With our own hands we shall not our Azadshahi bury." She ceptured Gwalior with the help of Tantia Tope and her trusted afgan guards. Scindia, loyal to the British, made an attempt to fight the Rani but most of his troops deserted to her, Rani died fighting on 17June, 1858. In Bundelkhand the peaple did not look to the army to initiate outbreak. In Chanderi, Banda and Hamirpur, the people took the lead evenbefore the sepoys showed any sion of disaffection. In Jhansi the people and sepoys rose simultancously, The Sepoys of the Gwalior contingent took intiative. They had support of the commen people. After the fight of the English. the revolution aries almost everywhere broke open the jails, burnt the Government records and looted the Government treasury. Only a few mutinears sepoys preferred to stay at the place of out-

^{1.} Chanda Bipin dudern India p. 146.

reak. By the middle of the June almost every vestige of British rule had disappeared in the major portion of Bundelkhand. Consequently." 'Revolutionary Governments'were set up at Jhansi, Chanderi, Banda, Kapvi Jalaun and Hamirpur. But still there woke some states in Bundelkhand who dumed it discrect to side with the British Government, The names of Datia, Tehsi, Samthar, Cherkhari, panna, Baoni etc. can be cited in the cennection.

India was fully established. The revolt of 1857 gave a severe jolt to the British Administration in India. An Act of Parliament in 1858transferred the, power to govern from the East India Company to the British Crown:

After three years Indian councils Act of 1861 was introduced. In 1885 Indian National Congress formed which played a great role in the freedom struggle.

Bundelkhand in 20th Century--

The 20th contury began with growth of nationa-

ption. The Youth of the Bundelkhand had remained restiess for guite a long time with the result that at the
time of the century discent entment broke out and events
moved repidly. During the anti-partition agitation of
1905, did den lag behind in holding public meetings in
organizing strikes and protests, and in creating heightemed awareness among the people of the oppressions of the
foreign rulesimultaneously, the movement for beycottling
foreign Goods also took root.

eshi movement deep roots when eaths to boycott foreign atticles and to deal in Swadeshi goods only were only were taken by the people. In between Swadeshi are and the advent of Gandhi Ji on the Folitical scene there was no remarkable political development in the Bundelkhand. As a part of the state and country, the Bundelkhand was autmatically drawn into the First world War-Solders were recruited in all. the districts of Bundelkhand and gene-

rous sum of money was contributed to the war fund. In the post war years, after the Rowlett Bills and subsiguent Jallianwallier incident in Amritager, the Swaraj Slogan stirred up a new spirit of nationalism in the Country. The British government was using the Muslims against India's political struggle. A notable feature of the political life of the Bundelkhand during this peried was the sustained agitation carried on by manoy leaders of the local populace.

Them non-co-operation movement started in August started in August, 1920 spread in the Bundelkhand.

This was an attempt to widen the swadeshi movement from a nere boycott of British goods to a boycott of everything British. A Compaion was launched in this area for using indigenous goods, especially Khadi and honespun cloth. The people were exhorted to leave government services, boycott the Courts, and even children were asked not to go to English and government schools. There was a demand to reorganise education on national lives uner national to the started in August 1920 and 192

ional control. For thefirst time students, peasants. and workers were drawn in large numbers into the field of national movement when they boycotted the shops selling foreign cloths. At this time the publication of satygrahi, Bundelkhand kesari and pubar in the different areas of Bundelkhand marked a turning point as it created a revolutionary stir among the masses. The pulic was attracted not only by the printing of these papers but even by the now note of strong nationalism preached by it. The Administration imposed a ban on the sale of Khadder but forign cloth worth thousand of rupees was daily reduced to askes at public places. National leaders visited in the Bundelkhand and public meeting were arranged in all big towns of the area. As movement was gaining momentium in the area as everywhere elso, an out burst of violence took place on February, 1922, at Chauri Chaura in Gorakhpur district. The movement wasimmediately called off by Gandhiji.

The revolutionary movement played an important

role in the freedom movement. after kabari case Sachindranath Sanyal, Ram Frasad Bismil, Ashfoq, Khan, Chandra
Shekhar Ajad were arrested and sentence the death chadra Shekhar Ajad lived in Jhansi district during his underground period. He also Visited Banda got raluable economic support. Pt Parmanand of Rath played on important
role to organise Indians at Japan and Malaya. Diwan Shatrughan Singh and his wife Bhagwan Das Balandu, Chase Ram
Vyas, Sadashev Rao Malhapur, Bhagwan Das Whour, Vishwanath Ganga dhor vaishampayan were the some names who carred revolutionary activities in Bundelkhand.

In 1, 930, civil disebedience movement was started in Bundelkhand with the rest of the country. The first phase of the movement called for 'satyagraha', against the salt Act. Congress Velumteers and other of the Bundelkhand respended by manufacturing contrabandsalt at several places. In 1932, Gandhi Ji revived the agitation after his release from Jail. Other political detenus had also been released under the Gandhi-Irwin Pact of 1931. A

civil disobedience movement was again launched in which people from most walks of lifs participated whole-heart edly. Protest meetings and anti-government demonstrations were organized and processions were taken out everywhere. A very large number of peasants joined, and women also took prominent part in it. The Administration banned public meetings but the orders were disregarded and the workers gladly courted arrest and distributed anti-govern ment leaflets. The movement Continued unabated till May, 1934, when it was once again withdrawn by Gandhi Ji. The Bundelkhand participated in the elections of 1937 which were conducted under the Government of India Act of 1935.

In Aug. 8, 1942, the Congress passed a resolution calling upon the British to relinquish power and to quit India. With the launching of the 'Quit India' movement, the Simmering feeling of discentent, the politically conscious people of the Bundelkhand exploded in one great blaze of Violent action in the shape of uprooting railway tracts, pulling down telegraph and telephone wires and

ment, Schools and Colleges were closed for indefinite period, anti-government literature was circulated and people was circulated and people from rural areas tea joined the movement. After Victory of the allies on the war the Congress leaders were released in 1946 and in general elections for the provincial legistatures the congress was again Voted and it formed the government.

On August 15, 1947, the country was liberated from alien rule and declared independent. This occassion was celeberated is the whole of Bundelkhand. The ceuntry was free, but before the people could fully enjoy the sense of liberation and Victory, they woke up to fide find that a great tragedy had accompanied freedom. Congress as well as the Muslim League had accepted the country ry's partition. The partition of the country was followed by a holocaust entailing great less of life and suffering to people uprocted from their homes and cast away to seek

their future in lands unknown. The news of Mahatma Ganshis assassination (on January 30,1948) plunged the whole Bundelkhand into deep mourning. with the enactment and adoption of the Constitution of India on January 26,1950. India became a Sovereign Democrato Rapublic. The day was celeberated in whole of the Bundelkhand by taking out processions, holding meetings and illuminating houses, houses, shops government building.

The Bundelkhand Region of U.P.

of the country. It is situated between the parallets of 26° 27' and 25° 48' north atitude and 79° 52' and 78° 56' east longitude, and forms a compact block of territory of regular shape, On the west the boundary is formed by the Fahuj river. On the north flows the Jumna, the boundary between Jalaum and Etwah and Kanpur. On the Southwest Jalaun adjoins the Samathar State, except where that state encircles an outlying village belonging to Jhansi. and to the South-East the Betwa divides it first from and them from Hamirpur. Towards the east the district narrows as the Betwa Converges on the Jumna. 1 The area district Jalaun is 4565 sq. Kilameters. According to 1991 consus the population of Jalaun District was1219377. Populatiom in Rural area was 950180. The number of the persons who belong to Scheduled Casts were 333472 out of which 274178 persons belong to rural area. The density per sq. Km. was 267. There is no existence of Schduled tribes in

^{1.} The Gazetteer of District Jalaun, Chaptre I

the district. According to the 1981 census the region wise population of the district was as follows, Hindus.9,02; Muslims-80987, Chsistian-142; Sikhs-158, and others-2186. The District of Jalaun includes 4 tahsils, 9 C.D. blors, 942 populated @@@@@@ Village and 10 town and N.A.S. 1 The headquater of the district at orai.

The district of Banda lies between Lat. 240 53' N and 25 $^{\circ}$ 55'N and Long. 80 $^{\circ}$ 07'E and 81 $^{\circ}$ 34 $^{\circ}$ E. It is bounded in the north by the district of Fatehpur, in the east by the district of Allahabad, in the West bythe district of Hamirpur and in the South by Rewa, Satna, Panna and Chhtrpur, the districts of M.P. According to 1991 census the district covers 7,624 sq. Km. the population of the district war 18,62,139. The density, per sq. Km. was 244. The Population in rural areas was 16,22718. The pesonsas belonging to Scheduled clates were 432884 out of which 392753 persons belong to rural areas. The number of the persons who belong to Scheduled tribes were

^{1.} Ibid Table 13

43 out of which 42 persons belong to rural areas. According to the 1981 consus the religion wise population in the district of Banda was as follows: (Hindus-14 48485; Muslims 84493, Christion-523; Sekhs-54 and others-435, The District Banda includes 6 tahsils, 13 blocs, 1204 populated Villages and 11 Towns & N-A5. The headquarter of the district is Banda. The district of Hamirpur has been named after its headquarter town of Hamirpur which %% was Hamirpur' which was founded by 'Hamira Deo, a kalchuri Rajput in the eleventh century. The district lies between Lat.25 0 7'N and 26 0 7'N and Long. 79 0 17'5 and 80 0 21E. It is the Central distract of Jhansi division and bounded by the district s of Jalaun, Kanpur and Fatehdur on the north, Banda on the east, the districts of Tikamgarh and Chhiatarpur of M.P. on the South and the districts of Jhansi and Jalaun on the west. The area of the district covers 7,166 sq.km. According to the 1991 census the population of the district is 14,66491 and density per sq. km. is 205. The

^{1.} Statestical Diary U.P. 1992 Table 9

population in Rural area is 12,11846. The population of Scheduled castes is 3644987 out of which 311773 persons. The papulation of Sheduled. Tribes is 63 out of where 51 persons live in rural areas. According to the census the religion wise population of the district was as follows: 1 Hindus-11,20, 779, Muslims-72376, Christians-575, Sikhs-189 and others-305.

The district of Hamirpur includes to tahsils,

11 C.P. Blocs; 926 populated village and 12 thowry and

N.A.S. The district of Jhansi has been named after its

city headqurter, Jhansi. The district lies between Lat
25⁰10'N and 25⁰55'N and Lengitude 78⁰20'E. This district

is bounded by the districts of Jalaun (U.P.) and Datia(M.

P.) on the North, Hamirpur on the east, Shivpuri (M.P.) on

the west and the districts of Lalitpur(U.P.) on the South

The District of Jhansi covers the area of 5024 sq.Km.

According to the 1991 census the populations of the dis
trict Jhansi is 14,29698 and density per sq.km. is 285.

^{1.} Statistical Diary U.P., Tabble-8

The population in rural areas is 863342. The population of Sheduled castes is 411788 of which 277297 persons live in rural @@ areas. The population of scheduled tribes is 187 in which 46 persons live in rural areas. According to the 1981 of census the relijon wise population of the district of Jhansi was as follows: Hindus-10,27636, Muslisms-95460; Christians-6402; Sikhés-2238 and others-5295. District of Jhansi includes 4 tahsils, 8 C.D. blocs, 760 populated Villages and 14 town and N-A.S. The district of Lalitpur has been named after its headqurter Town Lalitpur. Lalitpur had been a tahsil of the district Jhansi. The district lies between Lat. 24 20' N and 25 25'N and Long78 0 10 $^{\circ}$ E and 79 0 0 $^{\circ}$ E. It is bounded by the district of Jhansi on the north, The district of Tikamgarh of M.P. on the east, The district of sagar of M.P. on the South and the districts of Guna and Shivpuri of M.P. on the West. The district covers an area of 5,039 sq.km.

The population of the District of Lalitpur, acc-

^{1.} Stalistical diary up. 1992 Table- 9

ording to the 1991 census, is 7,5 2043 and gewnity per sq. Km. is 149. The population in rural areas is 646495.

The population Scheduled castes is 188927 out of which 173878 persons live in rural areas. The population of scheduled tribes is 349 out of which 329 persons live in rural areas. According to 1981censsus the religion-wise population of the district was as follows: Hindus-5,46, 406, Muslims-12,173, Christ ians-335, Sikhs-487; and others 16247. The district included 3 tahsils, 6 C.D. blocs, 689 populated Villages and 4 towns and N. As.

The following tables show a comberative pictures of the district of the Bundelkhand region of U.F.

Table- A (1991 Ceusus)

District	Area	Population	Density
Jalaun	4,565	12,19	267
Jhansi	5,024	14,30	288
Lalitpur	5,039	7,52	149
Hamirpur including oba	Mah- 7,166	14,66	205
Banda	7,624	18,62	244

^{1.} Statstrical Diary U.P. 1992; Table-09

Table-B¹

(The 1991 censtis, Number of Sheduled Castes and Scheduled tribes)

Maries Maries Maries Million	Martin spring things there terms	Mineral Ventres before branch ventres have	Car Loyens Opping Settleto	SMERTY MARRIES MARRIES LINSUIS	design Spales august	strikes heren'
Districs	istrics Total Rural Population		Sched u led Casts		S b heduled Tribes	
			Tabol	Rural	Total	Rural
Displace at least tempo tempo misson	traction Statement Statement Statement	TOTOTOM MINNEY SUBSEM STRIPE VINDOM SA	orian Sulling Sullines Updates	Printerior Infiliation Spinster Statutor	- Japanes Adomo Modes	Solven Spatial Station Income
Jalaun	1219377	950180@@	333972	474178	48 -	
Jhansi	1429698	863342	411788	277297	187	46
Lalit-						
pur	752043	646495	188927	173878	349	339
	1466491	1211846	364987	311773	63	51
(includi- ng Mahoba))					
Banda	1862138	1622 7 18	432884	392753	43	42
Waged Water William Streets Streets	Marie Water Marie Same	Miles Water Street Street				

Iable-C²

The details of the Tahsils, cemmunity Developemnt block populated Villages and Towns and Netified Areas.(1991 Census)

District Ta	hsil -	C.D.Bloc	Populated Villages	Town &N. A.S.
Jalaun	4	9	942	10
Jhansi	4	8	760	14
Lalitpur	3	6	689	4
Hamirpur(inclu-	6	11	926	12
d in gMahoba) Banda	<u>6</u>	13	1204	-11

^{1.} Statistical Diary, U.P. 1992 Table No- 9

^{2.} Statistical Diary, U.P. 1992 Table NG-13

Table _D¹

Religion wise population (According to 1981 ceneus)

•						
District	Total Populat:		Muslim	Chirst- ins	Sikhs	others Bundha & Jains
"Minister electric garden decider to	nille Suntay Million Million Million wi	SANA DESCRIP ESSANA SANANA ESSANA SASANA	r Millioner Masser Masser Millione	Witness Street Streets splings	Augitim Smalle (Miller)	States Military Military
Jalaun	9,86238	9,02765	80987	142	158	2186
Jhansi	11,37,031	10,27636	95402	6402	22 3 8	5295
Lalitpur	5,77648	5,48406	12178	12,173	3 3 5 ′	16247
Hamirpur	11,94168	11,20779	72376	519	189	305
Banda	15,33990	14,48485	84493	523	54	435

^{1.} Statistial Diarying, U.P. 1992 Table B

CHAPTER-II

LEGAL AID PROGRAMME IN INDIA

Every human social order comprises a moral order and a legal order. Every society has its own moral norms and its own legal system. The moral norms are safequarded by rules, regulations and customs sanctioned by the concerned society as well as by indiviual conscience while the sanction for the legal order flows from the power conferred on the state by laws enacted from time to time by law making machinery of the concerned state. Each society evolves or determines standards of moral as well as legal values which can not be static but must keep changing with the ever-changing social compulsions. This is because concepts, attitudes, beliefs and behavioural patterns keep on chaning as society surges ahead in the pursuit of human happiness.

Concept and Pholosophy of Legal Aid

. Justice is not only a moral but a legal con-

cept also. In moral sense since every action of a human being affects not only himself but also his fellow being as well as the enviornment, he must ensure that his action does not harm others. It is, therefore, his moral duty to constantly remind himself of his obligation to act (a just and fair manner towards his fellow human-be ing. This is an age-old concept associated with civilisation itself. It follows that / an individual by his action or behavior causes injury or harm to his fellow being, he must redress the same by compensating the injured. Thus an injured fellow being has a remedy against the person who is responsible for the injury. In the sense of morality and good conscience or in conformity with moral standards, this concides with what the Romans called 'Jus naturale' or the laws of nature. The Theory of natural law, therefore, pre-supposes existence of an human objective moral standard by which every being and must conduct himself. This right to justice accrues The second section of the second second to an individual by virtue of his being a human being.

Since the origin of civilised society human race has always remained conscious of the sense of justice and has constantly strived for the same. The right to justice, therefore, inheres to every human being by virtue of his being a member of a civilised society and can, therefore, termed a human right. 1

Legal aid as A human right

rding to Law. Law is, the bed rock of civilisation and and an instrument of social engineering. Every system of Government based on the rule of law, regardless of its form, holds out a promise to its citizens that justice will be secured to each @one to them. That is because when members of a civilised society agree to shum violence and have their disputes and differences resolved through an independent and impartial delivery system offered by the state, there is an implied promise that ever

^{1.}Mr. Justice A.M.Ahmadi in Legal aid News letter on Nove 8th1992 (Oct 1992-March 1993) p. 17.

ry citizen shall have access to the system and shall secure justice through it within a reasonable time. It is imperative for the existence of an ideal social order that its members agree to be governed by the rule of law and to ensure governance through law there must exist a sound justice delivery system to which every member has access for redressal of his grievances. It, thfollow erefore, that every citizen must have access to justice to enable him to assert or defend his rights. Every civilised society is, therefore, obligated to ensure that the doors of its justice delivery system are open to all, the rich and poor, for the obvious reason that those Who are denied access to the system will otherwise be forced to evelve extra-judicial methods, to seek redress for the injustice done to them. An American Justice Benson said once, "Nothing rankless more in human be heart than the broading sense of imjustice." If a judicial system fails to cater to the needs of the poor or adopts an anti-poor 1. Legal aid News Letter Oct. 1992-March 1993 p. 18.

stance, the poor will lose confidence in the system and will resort to obher extra-judicial means for resolving their disputes. If a judicial system operates in a manner so as to shut its doors to the poor then the instrumentality of the courts will be used by the rich to suppress and oppress the poor, However, admirable the system may be it will ultimately be rejected if it does not receive support from a sizeable segment of the $\operatorname{soc}_{\overline{z}}$ iety. It cannot be overlooked that since is every democratic es system of Government with or without a written constitution, laws derive their power and authority from the people, the judicial system also owes its existence to the will of the people. It must be realised that today most of the countries under a democratic system are seeking to usher in a welfare state and on egalitarian society. In a welfare state governed by the law, every individual @@@ rich and poor, must have access to justice if the system is not to lose its credibility. If it bas baw dans menjada seria aya me is viewed by a sizeable section of society as one inten-

ted to serve a few at the cost of others it will certainly lose credibility. The rights to secure justice through the instrumentality offered to the people by the state is, therefore, a basic human right. It is one of the most important of human rights because without it all other rights would be meaningless. Every individual therefore, has a right to get justice and this cannot be denied to him by making access to the system probibitive in terms of costs, more so in a Welfare state whose duty is to alleviate individual distress through social justice. Legal-aid is, therefore, a means to provide access to ensure, effective implementation of the basic human right to justice. It is clearly the states obligation to provide legal aid to the poor to ensure access to the system. 1 The use of word 'aid' in the expression 'Legalaid may give the flavour of favour but it must emphatically be stated that free legal aid is not charity or

^{1.} Justice A.M. Ahmadi: Legal-Ahuman right or A favour (at law Asia semina? on Nov. 8, 1992)

favour but is fulfilment of the states obligation to ensure that every citizen has access to justice which as a basic human right and legal aid is an instrumentality for securing that basic human right. It is a social right and not a favour. Certain social action groups, therefore, prefer to call it a legal service programme instead of a legal aid programme but since the expression 'Legal-aid' is Universally accepted and even the constitution of India uses the expression in Article. 39.A. But let there be no doubt that by providing free legal aid the state is only fulfilling its obligation towards the citizen and ig doing no favour whatSoever.2

Legal Aid -A Constitutional Right

The Concept of providing legal aid to the poor is of a comparatively recent origin. The realisation th-

^{1.} IBID (qusted fim. begal aid Newsletter. Oct-1992-March-1993 p. 18

^{2.} Ant 39A of the Constitutional of INdia/The state/sec ure that the opration of the legal system promotes justice. On the basis of equal opportunity and shall in particular, provides free legal aid.

at there are inmense difficulties in the way of the ordinary Commom man to seak justice has dawned only recently. Justice is the end-product of what a person gets as a result of initating legal proceedings to assert his rights. It the person concerned is not in a position or is prevented from having recourse to law, either due to the enormous expenditure involved in the process, or due to the fact that he does not have the necessary knowledge to go about as to how he should assert his rights, then it so obvious that justice cannot be made available to him.

Robert Egerton writing in his book "Legal Aid" rightly stresses the point that "...in an organised society, the laws may be good, the Courts may be inpartial, but if for any reason, the law cannot be invoked, the machinery of justice is of no practical use. The operation of the machinery of justice is expensive. Invoking the jurisdiction involves many problems which have to be faced by the poor litigant. Most of them cannot afford the

cost aid are not, therefore, protected by law, unless they are granted special considertion through Legal aid."1

Legal aid is not only a human right but also a constitutional and legal right. The Preamble of our Constitution, emphasiges socio-economic and political justice. The Universal declaration of Human Rights' declares that every person has the right to avail effective remedy to emerce the Constitutional and legal rights through the national tribunal against the acts which violates those rights. 2

The objects of "real justice" and "effective remedies" to the poor and perhaps can be obtained when they are provided proper legal aid. The legal aid is the golden ladder to send these neglected classes of society to the end of the justice. If the legal aid to the neglected class be the compulsory condition in a judicial proceedings, this aid Cannot be termed as Donation (Wairat)

^{1.} Legal Aid news Letter. Oct 93 March 1994 p. 8

^{2.} Art. 8 of the Human rights declaration.

in a Country like India. And that is why the idea of legal aid to the poor and the downtrodden is gradually becoming well accepted by the society. Hon'ble Mr. Justice P.N. Bhagwati, the then chief justice of Supreme Court of India held in the case of centre for Legal research Vs the State of Kerala that the legal aid programme is not a donation or stipend, it is a social right of the public. The persons needing legal aid should not be treated as its beneficiaries but the participants of the programme. 1

In the case of M.S. Hoskat Vs. State of Maharastra and thereafter in Hussaina Khatoon Vs. State of Bihar Mr. Justice Iyer expressed his opinion-"Right to free legal service is clearly an essential ingredient of Yeasonable, fair and just procedure for a person accused of an offence and it must be held to be implicit in the gurantee of Article 21. This is a Constitutal right of every accused person who is unable to enagage

^{1. (1986)2,} Supreme Court cases 706.

a lawyer and secure legal service on account of reasons such as poverty, indigence or in communicado situation and and the State is under a mandate top provide a lawyer to an accused person a if the circuncstances of the case and needs of justice so require provided, of Course the accused person does not object to the provision of such lawyer.

In Seva Das Case Mr. Justice P.N. Bhagwati, the then chief Justice of India had opened chapter of legal aid actually---"Free legal assistence at state cost is a fundamental right of a person accused of an offence which may involve jeopardy to his life and personal liberty. This fundamental right @@ is implicit in the requirement of reasonable, fair and just procedure prescribed by Article 21. The exercise of this fundamental right is not conditional upon the accused applying for free legal assistence so that if he does not make an application for free legal assistance the trial may be lawfully proceeded 1.Legal Aid News Latter, April 1993-Sep. 1993) p. 10

proceeded without adequate Legal representation being afforded to him. 1

In all these cases the Court analysed the macro level socio-economic comditions justifying the stage for legal aid. If legal aid is dependent upon the socio-economic conditions, it only becomes a welfare measure and naturally becomes optional. Legal aid is not a simply welfare to do, it is a need and necessary, absence of which is likely to cause a serious rupture in the fibre of the very justice system it-self.²

As has been observed by former Chief Justice R.S.Pathak, "Legal aid has served to highlight the problems suffered by the poor and weaker sections of the people and if employed appropriately it can, in certain cases result in bringing relief to them with an expeditiousness and directives not ordinarily conceivable through the traditional procedures of litigation. 3

⁽¹⁾ AIR 1966 SC 991

⁽²⁾Mr.Justice Krishna Iyer: Social Mission of Law, 1976 p. 109

⁽³⁾ Legal Aid News Letter, April 1993-Sep. 1993 p. 11.

Sources of The Legal Aid

The Sources of @ The concept of legal aid are as follows:

1. International Coverants on Civil and Political Rights

The Art.14(3) of International covenants on civil and Political Rights gives some guarantees to every individual. These are as follows:

- (i) that the hearing of any legal proceeding against a person must be in his presence.
- (ii) Every person should have right to defend himself through legal help.

India has signed this covenant. Thus every citizen of India has a right to avail the above mentioned
gurantees. This Covenant is an important source of legal aid.

2. Premble of the Constitution

The premble of the Constitution of India is kn-

own as 'flood light' of the Constitution which gives a gurantee to provide social economic and political justice to the all citizens of India. To provide legal to the poor is an effective step to achive the above mentioned goal, The Premble of our Constitution is a basic source to provide to legal aid to the poor.

3. Right of Equality Given by The Constitution

Art, 14 of the Constitution of India says "The State shall not deny to any person equality before the law or the equal protection or the law-within the territory of India. 1

This article guarantees to every person the right not to be denied equality before the law territory of which is taken from the English Common law, is a declaration of equality of all persons within the territory of India, employing thereby the absence of any special privelage in favour of any individual. Every person, whole

or que que serve di causi laus.

^{1.} Art. 14 of the Constitution a of India.

ever be his rank or condition, is subject to the jurisdiction of the ordinary courts. No man is above the law.Every person may stee and be sued, Prof Decey in explaining the Concept of legal Equality, as operating in England, said "With us every official, from the Prime Minister down to a Constable or a collector of Tages, is under the same responsibility for every act done without any legal jurisdiction as any other citizen".

The second expression, "The equal protection of laws, which is rather a corollary of the first expression and is based on the last clause of the first section of the 14th Amendment of the Amercican Constitution, directs that equal protection shall be secured to all persons within the territorial jurisdiction of the Union in the enjoy emjoyment of their rights and privelegewith out favoritism or discrimination. It has been said that "equal protection of the laws" is a pledge of protection or **QQQ** gurantee of equal laws. 2 1. Dicly, Law of the Constitution, 10th ed. p. 193.

^{2.} Shukala V.N.: The Constitution of India. p. 26.

Thus Article 14 uses two expressions to make the concept of equal treatment. The extent of the gurantee is the same under both the expressions. Patanjali Shastri, C.J. has rightly observed that the second expression corollary of the first. Indeed, it will be difficult to imagine any violation of the expression "the equal protection of laws, Which would not also be a violation of the expression, "equality before the law."

The guiding principle of the article is that all persons and things similarly circumstanced shall be treated alike both in privilages conferred and liabilities imposed. Equality before the law means that among at equals the law should be equal and should be equally administered and that tike should be treated alike. Hence what is forbids is discrimination between persons who are substantially in similar circumstances or conditions Uneque

al treatment does not arise as between persons governed

^{1.} State of west Bengal V. Anwar Ali, ATR 1952, SC 75, 79

^{2.} Satish Chandra V. Union of India, AIR 1953 SC 250, 252, 1953, SCR 655

^{3.} Jennings: Law of the Constitution p.94

by difficult conditions and different sets of circumstances. The rule is that like should be treated alike

not '
and that unlike should be treated alike .

In a Country like India where poverty, prevalis in the most part of Country, The concept of legal-Aid is a complementry step to fulfil the assurance given in Art.14 of the Constitution. The Supreme Court of India has recongnised the legal right of man to get legal -aid in the Shila Warse V. State of Maharastra Case. 1

4- Aritcle 21 of the IndianConstitution:-

Article 21 gurantees to every person the protection of life and personal liberty:

No. person shall be deprived of his life or personal liberty except according to procedure established by law. 2

The object of Art. 21 is to prevent encroachment upon personal liberty by the Executive save in accortion.

1. Sheela warse V. State of Maharashtra, AIR, 1983 SC 378

2. Art. 21 of the Constitution of India.

dance with law, and in Conformity with the provision thereof. Before a person is deprived of his life or personal liberty the procedure established by law must be strictly followed and must not be departed from the eidesadvantage of the person affected.

The expression "Liberty" in the 5th and 14th Amendments to the D.S.Constitution has been given a very wide meaning. It takes in all the freedoms, The expression is not confined to more freedom from bodely restraint, and "liberty" under law, but, extends to the full range of Conduct which the individual is free to pursure.

In Menaka Gandhiji case, the court observed that the requirements of compliance with matural justice was implecit in Art. 21 and that if any penal law did not any down the requirements of hearing before affecting him, that requirement would be implied by the court, so that the procedure prescribed by law would be a reasonnable and not

^{1.} Jennings: Law of theConstition p. 94

^{2.}Menke V. Union of India: A, 1978. SC. 597 (Para 8)

arbitrary procedure. Mr. Justice: F. N. Bhavgwati exprssed two points to interpret this article.

- (a) A procedure which was 'arbitrary, oppressive or fanciful'no procedure' at all.
- (b) A procedure w-hich was unreasonable could not be said to be in comformity with Art. 14, because the concetp of reasonableness permeated that Article in toto. 1

 Growth and Development of Legal Aid Programme-

The Legal &id system has been adopted by the several Countries in the world: It is interesting to note that even @@@@@ in England, an organised efforts to provide legal aid to the poor was only after the Second World War. Professor A.L. Goodhart has said——"....that for many years social workers have been insisting on the essential importance of providing legal aid offer the poor, but it has taken the war to bring the lesson home to those in authority. ...It was not only in the services, how-

^{1.} Menka V. Union of India. (A) 1978. S.C. 597 (Para 56)

ever, the legal advice was found necessary. The Various citizens, Advice, Bureausc, Which were established to help civilians with their war-time difficulties, were flooded with questions concerning legal problems. It was difficult to deal with these by voluntary help alone because the amount of work was more than could be dealt with in sparetime hours. So, Two Legal Advice centres with salaried staffs have been established in London. All this shows how essential this service is to the poor.

After the Second World War (1939-45) the united form of a Statute (in the reign of Henry VII) came to be known as the procedure. IN FORMA PAU PERIS in England in 1949. The Parliament of United Kingdom passed the 'Legal Aid And Advice Act 1949' for the ### benefit of the poor and needy. This piece of Legislation Promunicagated by the Parliament in 1949 mention the aim and object of the Act in the following words:

^{1.} Legal Aid News Letter, Oct 1993-March 1994. P. 8

^{2.} Legal Aid News Letter, July 92-Sep 93 p. 13.

"Act act to make legal aid and advice in England and Wales and in the case of members of the Force of Legal aid else-where more readily available for persons of small and moderate means to evable the cost of legal aid or advice for such persons to be defined defrayed wholly or partly out of monies provided by Parliament and for purpose Connected therewith -passed on 31 July 1949."

A reading of the above clearly indicalls indicates, that due emphasis has been laid to make readily available legal aid and advice to persons of small and moderate means and provision has been made to emable the cost of legal aid or advice for such persons to be defrayed wholly or perartly out of the noonies provided by Parliamental twould be interesting to note that the total amount of money spent England and Wales for the year of 1985-to 1986 was approximately about 7.3 million pound sterling. This shows that considerable importance has been given for pro-

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vision of legal aid and advice to the needly persons in U.K. 1

The object of providing Legal Aid and advice in United States of America (U.S.A.) is one of the fundamental and primary objects enunciated in the Legal Aid programmes. In USA the scheme of Legal Aid got statutory recognition with the enactment of the Legal Services corperation Act, 1974 which was amended in 1977 and its head office at Washington has branches in the State capitals and other places to implement the scheme. Apart from Legal Services corporations, some of the states in U.S.A. have people's court. 2

Section 13 of the by-laws of the American Bar

Association reads Duty of the comittee Legal Aid work is:

1. to maintain a continuing study of the Administration of
justice as it affects to the poorer citizens and immigrants throughout the Country.

^{1.} Legal Aid New Paper, (Oct 93-March 94 p. 9.

^{2.}Rao Bathula Venkatesware: The Process of Legal aid in India. (in Legal aid News letter, ©July 92-Sep 93. p. 13

- 2. To promote remedial measures to assist poor person in the protection of their legal right.
- 3.To encourage the establishment and efficient maintaintaen maintaenance of Legal and organisation and cooperate with the other agencies both public and private,
 interested in these objects.

The committee endeavoured to make the organised bar fel a Kesner and make lively sense of responsibility for the welfare of legal aid work.

In order to achieve the purpose stated in the Bye law several million dollars are attocated each year to defray the expenses incurred in providing free legal aid and advice to the citizens of the Country.

Justice Taft, former Chief Justice of the Supreme Court of Ameria, has written in the his preface to Legal aid work in the Umited States!--"The real practical blessing of our Bill of Rights is in its provisions for

^{1.}Rao Bathula Venkatswara: The Process of Legal aid in India. (Legal aid News letter July-Sep-1992 P. 13.

fixed procedure securing a fair hearing by independent

Courts to each individual....But if the individual in

Seeking to protect himself is without money to avail him
self of such procedure, the Constitution and the proced
ure made inviolable by it do not practically work for

the benefit of all. Something must be devised by which

every one, however, lowly and known however poor, by his

means to employ a lawyer and to pay Court Costs, Shall be

furnished epe the opportunity to set fixed machinery of

justice going. **1

The above statement will clearly go to show the object of providing legal aid and advice is One of the fundamental objects enunciated in the legal programmes of the advanced countries of the world. The Concept of Legal aid to the poor has been accepted by our constitution.

Several effects are made to achieves this goal. In 23te March, 1949, the Government of Bombay appointed a Commi-

^{1.} Legal Aid News Latter, Oct. 1993-March 1994.

ttee under the Chairmanship of late Sri N.H.Bhagwati (than a Judge of Bombay High Court) to consider the queeider the question of grant legal aid to the poor. The Co. mmittee submitted a detailed report on 31.10.49. In 1958, the Law Commission of India laid down a system of Legal Aid in its report which read as--"---equality is the basis of all modern systems of jurisprudence and administration of justice. --- In so far as a person is unable to obtain access to a court of law for having his wrongs redressed or for defending himself against a Criminal Charge, justice becomes unequal and laws which are meant for his protection have no meaning and to that extent fail in their pur. pose. "

Unless some provision is made for assisting the poor man for the payment of Court food and Lawyers fees and other incidental costs of litigation, he/she is devied equality in the opportimilty to seek justice."

^{1. 14} th reprot of the Law Commission of India.

On 10th Feburary 1971, the Gove. of Gujrat appointed a Committee to consider the question of grant of legal Aid to poor persons and members of backward classes. This communittee was headed by Sri P.N. Bhagwati, them Chief justice of High court of Gujrat. This Commitee submitted its report on 15th Aug. 1971, making positive and detailed recommendations for the grant of legal aid. The report was accepted by the Govt. of Gujrat aid the Legal Aid Scheme was launched in Gujrat by Government orders issued in 1972. Legal Aid committess were established for the High Court, the District Courts and the TQluka Courts. The Scheme was sucessful and caught the att. ention of Govt. of India and the Supreme Court.

To achieve the objective expressed Art. 39-A of the Indian constitution, committee was set up by the Govt. of India on 26th spp. 1980, called the 'Committee For The Page Implementation of Legal Aid Schemes." (CILAS). The

^{1.}Satwani K.M.: Legal Aid and concept of Duty Legal aid
News Leter April-June 1991)

Chief justice of India was the patron in Chief of the Committee and a sitting Judge of supreme court was the executive chaiman to look after the inplementation of Legal Aid programme. Justice P.N. Bhagwati was the first executive Chairman of this commitee.

In 1981, Mr. P.N. Bhagwati, then the judge of Supreme Court of India, introduced a new scheme of Legal aid and advice which was adopted by most of the states including Gujrat. The scope of the shceme was wider. It was introduced by Govt. of Gujrat by resolution dated 30th April 1982. The Gujrat state Legal Aid and advice Board was constituted with the chief minister of State as Charter man. The Gujrat High Court Legal Aid Committee was also formed. Semilarly Legal Aid Committees were formed at the District and Taluka level. In the city ahamadabad, Seperate Committee, were formed, Before that on 14th march 1982, The first Lok Adalat of the Country was held at the town 'Unal in Junagarh District of Gujrat state. It wan attended by Mr. Justice DeA. Desai of supreme court of India and Mr. Justice M.P. Thakkar. The Chief of Gujrat High Court.

In Uttar Pradesh'U.P. Legal Aid and Advi-gaty Board' was established on 24th Janury 1981 and on 25th June 1981 'U.P. State Legal Aid and advice (Process) Plan 1982' implemented:.

Form of Legal Aid

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The Legal aid Programme has two broad aspects:

(i) The First aspect is the traditional approach, i.e. of providing financial assistance to a poor litigant, who has a case in a court of law or in an administrative tribunal, or government department.

(ii) The second aspect of the Legal Aid Programme is, which Justice Bhagwati calls preventive Legal aid programme. This programme has a great signficace in a develop—ing country like India, where there is appalling poverty, ignorance and illiteracy, and the people lock awareness of their rights and means to enforce them. More often than

not, they are not aware of available mechinery for seeking judicial or administrative redress. This become&further aggrevated by the fact that our courts as well as tribunals are following adversial system. Being itself dilatory, the adversial system leaves ample scope for all types of dilatory tactics of in any litigation. Our Courts, including the highest Court, are ever-burdened with pending cases. The sitution in district courts is much warse. The cases some times hang on for 10 or 12 years. Thus in India our emphasis has to be on the prevetive Legal Aid Programe.

The 'Preventive Legal Aid Programme' has six components:-

(i) First implication of this programme is of holding aid camps and Lok Adalats in a rural areas as well as in poor area of the cities for carrying Legal service to the door steps of the peoples and bring about settlement of their disputes. The ultimate objective is that Legal Aid should reach hemlet in the country.

- (ii) Second is the creation of the legal awareness among the peoples in regard to the rights and benefits confered upon them by the Social welfare laws as well as by social and economic reselve programmes initiated through administrative messures.
- (iii) The third aspect of the programme is the mobilization of Law teachers and students in the service of weaker section of the community by @ opening begal aid clinics in the Universities and Law colleges.
- (IV) The fourth aspect of this programme consists of encouraging research in areas of law affecting the poor.
- (v) The fifth aspect of this programme consits of promoting public interest litigation with a view to vindicating the rights of the poor.
- (Vi) Lastly, there should be our intensive programme of providing training to paralegals and what has come to be known as, barefoot layers.

^{1.}Dewan Paras: Justice at the Door-Step of People. The Lok Adalat system.(The Legal aid news letter April-June 1991) p. 9

On Sep. 14th and 15th 1991 an All India Seminar on Legal Aid was held under the joint auspices of the committee for Implementing Legal Aid Schemes and Andhra Predesh Legal Aid Board at Hyderabad. In the seminor Justice A.M. Ahmadi (them a sitting judge of supreme court of India) expressed:

"The concept of justice is largely dependent on socio-cultural heritages. The conscience of constitution, which echées through its Preamble. Amongst other things it speaks of socio-economic justice. But the concept of secizi social justice, like all other abstract concepts, is an eluding one, not capable of a precise definition, not even a broad formulation. The quest for identifying the ideals of Social Justice began on our attaining independence and the pursuit is still on. Serveral reformative legistation were enacted to benefit the poor and umpteen number of poverty amelioration schemes have been introduced from time, to combat poverty but, alas, the benefits of these legistations and schemes have not reached the poor on account of

defective implementation, indifference, prolomged litigation etc. In an economic system like ours there is a
related need for professional support to ensure effective implementation of such laws and schemes. It is here
that I lack of sufficient professional service support to
that vast majority who cannot afford competent professional service. It is our endeavour to bridge this gap through our legal aid programmes.

The philosophy of legal aid as enshringed in Artice 39 A of the constitution has many facets which can be described as (i) financial (ii) preventive (iii) cultural (iv) educational (v) Service-oriented etc. 1

In his paper presented in world Jurist Association Bienial conference, Bareelona on 6th No. 1991, Justice A.M.

Ahamdi the then executive chairman of CILAS expressed that
legal aid system must, there fore, make a three pronged
attack.

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^{1.}Justice A.M. Ahmaid in All India Semonor on Legal aidon 14th & 15th المرابية

- (i) to remove the ignorance and lack of awarenss is as to the legal rights which people suffer from.
- (ii) to counter the aconomic in-balance between the feunding parties by providing not only financial assistence but also qualitative professional assistence to the handicapped party: and (II) to ensure that the dispute is restance to the handicapped party: and (II) to ensure that the dispute is reserved within 'a reasonable time'.

Justice Ahmadi also advocates for establishing legal aid centre in the enteriors which can play dual role, namely,

(i) Of advising the party on his legal rights and acting as mediator or conciliator to reselve their disputes, and (ii) assist them in collecting documentary evidence to assert their @@@@ right and in identifying witnesses where testhmony would be @ needed.²

Salient features of Legal Aid

High Court, Andhra Pradesh expresed some salient feature of Legal aid in his article 'The Precess of Legal Aid in India which are as follows: 1

- (i) take necessary steps by way of social justice litigation with regard to consumer protection, Enviornment Protection or anylother matter of special concern to the weaker sections of society workers in legal spjlls.
- (ii) Organise legal Aid Camps, especially in rural areas, slums or labour colonies with the dual purpose ede of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
- (iii) encourage the settlement of disputes by say of negotia-
 - (iv) Undertake and promote research in the field of leval services with special reference to the need for such services among the poor.
 - (v)recommend to the central Government grants-in-aid for

specific schemes to various voluntary social welfare institutions and the State and Destrict Authorities, from out of the amounts placed at its disposal for the implementation of the Legal Service Schemes under the provistions of this Act.

(Vi) develop in consultation with Athe bar council of India, Programmes for clinical legal aducation and promote guidance and supervise the establishment and warking of legal services elnics in Universities, Law colleges and other institution.

(VIII) Take approriate measures for spreading legal leteracy and legal awareness among the people and in 'particution to educate weaker sections of the society about the rights, benefite and privileges guranted big social welfare legistation and other enactments as well as administrative programmes and measures:

(VIIII) make special efforts to enlist the support of vo-

scheduled tribs, women and Rural and Vrban labour and (IX) Cordinate and monitor the functioning of State Social welfare institutions and other legal services orgnisations and give general directions for the proper implementation of the legal services programme.

Legal aid and Lok Adalats:

In a country like India which is geographically large and @verpopulated with a system of plurality of laws, law literacy levels and object poverty, anything good or bad can happen and mostly does happen in one cormer or the other of the country. Society is filled with tensioms and these tesions give rise to disputes and these disputeshave to be reserved expeditiously before they assume ugly proportion. In a society governed by the Rule of law it is essential that its members respect and obey the laws. This can be possible only when the victim of infraction of law receives the protection of the law far otherwise it is but natural that the victimuill try to evolve his own me-Control of the state of the sta thodology of protection which may include resorting to

violence. No just government can expect adherence to its laws from those to whom it cannot extend the laws protection. Therefore, when members of @@@@@@ a civilised society shum to have their desputes @@@@@@@@ resolved in an orderly manner through a mechanism offered by the state, there is an implied understanding that the said mechanisim will be not only independent and impartial but will also be in a position to resolve the dispute within a reasonable time. The Judiciary of our Country has been assigned the role of a final arbitor and, therefore, it is charged with the duty to resolve the disputes brought/it with despatch and extend the pretection of the laws to law ... -abiding eatira cetizens. It is, therefore, essential that every citizen/seeks to enforce the his legal right or who seeks this protections of the law against the violation of his legal right must have access to the dispute resol; ution mechasism for otherwise he will resort to other means to enforce or protect his legal right. Access to justice is, therefore, ensential for orderly governmence of the country. The concept that every individual should

rta which pledged. "To no one will be sell, to no one will we refuse or delay right or justice" And the ripht to cousel was statutorily recoginsed by Henry VII in 1495, when it ordained the Justice—shall assign to the ——poor person or persons counsel learneal, by their who ich shall give their counsel nothing taking for the same.

The concept of free legal aid enshrined in Artice 39 A of out constitution is, therefore, an old one. Art 39 A of the Indian Constitution provides that the "State shall secure that the operation of the legal systems promotes justice, on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or scheme or in any otherway, to ensure that opportunities for &&&&& securing justice are not demied to any citizen by reason of economic or other disabilities."

The Government had, by a resolution datad septemission 26, 1980. appionted the committee for implementation
legal aid sh schemes (C I I A S) under the chairmanship

of Mr. Justice P.N. Bhagwati (as he then was) to menitor and implement legal aid programmes on a uniform basis in all the stated and union territories CILAS evolved a model scheme for a legal aid programme applicable throughout the country. 1

The Legal aid Programmes formulated by this committee and adopted by the state Governments now provide free legal aid and advice to socially backward classes, women and Children and the other Citizens who fall within the means best prescribed for admissibility of free legal aid and advice. Today, legal aid and advice is available to the poor and weaker sections of the society in all law courts in the country right from the courts of the Magistrate and the munsif to the highest court of the land, i.e. the supreme court of India. So far, ever one million people have taken advantage of this facility in various courts in India. The Appendix shows various cetegories of persons,

^{1.} Times of India, 25 Aug. 1988

including women and children who have been benefited from the legal aid programmes.

Apartx from providing free legal aid and advice in law courts, CILAS has also introduced certain, schemes which are in the nature of preventive measures or meant to bring about settlement between the parties by diverting litigation to non-formal and non-legal for a involving minium interference in the existing adjudicatory machinery.

The most important and successful non-formal and non-legal foreminitiated by CILAS and adopted by the state Legal Aid and Advice Boards for resolving civil disputes are the Lok Adalats and Legal Aid comps.

Freely translated, a Lok Adalat means a 'Peoples Courts", However a Lok Adalat is not a court in its accepted connotation. It is a forum where voluntary efforts at aimed at bringing about settlement of disputes between the parties is made through conciliatory and persuasive effor-

Gujæat is the first State which took lead in the spread of legal -Aid activity. Lok Adalat was first meated in March 1982 when the country's first Lok Adalat was held at Una. The expressent of Gujrat caught up and spread throughout the country. In 1987 the Rejasthan H-igh court arrenged First Lok Adalat at High and in 1989 the Ist Lok Adalat held in the premises supreme court.

The Lok Adalats are generally organised by the state legal Aid Advisary Boards or the District Legal Aid Committee. The State Legal Aid & service Boards has been established in the states of Andhrax Pradesh, Arunachal, Assam, Bihar, Goa, Gujrat, Harayana, Kerala, Madhya Pradesh, Maharastaa, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Punjab, Rajasthan, Sikkem, Tamil Nadu, Tripura, Uttar Pradesh, Most Bengal and the Union territories of Andman and Nikobar islands, chadigarth, Dadra & Nagar Hevele island. Chandigarh, Dadra & Nagar Howele, Delhi, Lakashdweep and Pondichery,

the Charman and an area are all the state of

In 1987 A legal service Authoritics Act was passed by the parliament. Second Chepter of this Act provide a provision to establish a Nation Legal sevice agency and is chapter third statelegal sevice Agency, Chepter IV of the Act provides the measures and claim of legal service and chepter VI provides, a statutory recognition of Lok Adalats. 1

Though the above Act has enacted but since it needs large scale amendments which are before the Parliament, it has not been brought into force.

The legal aid services tries to balance the economic imbalance bet ween the poor litigants and the rich litigants by providing financial assistance as well as quality professional service. This is an effort to the constitutional promise of equality before the laws. 2

^{1.} Legal Service Authorities Act. 1987.

^{2.} Justice A.M.Ahmadi at law Asia Seminor in Nov.1992 Legal Aid news letter, Oct **92** March.93 p.20

CHAPTER-III OUTLINES OF LOKADALATS

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"Justice delayed is justice denied" is an oft quoted prover. Today more than ever before the formal justice system stands condemned on the grounds of intolerable delay, unjustifiable discrimination against the poor and insufficient support to constitutionally declared goods of social justice.

The last few year have witnessed veciferous debates and serious concern ever the rise in the arrears of court cases and the resultant dalay in disposal. The burden on the judiciary is extremaly heavy; the agony of the litigats of beyond description. Quite often, the relief sought for cames when the Claimant is no more.

Legislaters, academicians, politicians, Lawyers and judges have from time to time put their heads together to find a solution to this vexed problem.

Procedures have been simplified. The number of courts

and judges has been raised and tribunals have been set up. But the results have not been substantial.

The justice which our constitution gives us is justice for all, for the poor and downtrodden as well as for these who are quite well-off.

The concern and anxiety to reduce the plight of such people had given the idea of Lok-Adalat
(People's Court), where the petty disputes of all
kinds are setteled quickly, amicablly and finally.

It is a significant innovation in Public interest
litigation, and is expected to revolutionise the entire Judicial system in our country.

Concept of Lok Adalats:-

The concept of Lok-Adalat is new altegether in India. The concepts of 'Punch Parmeshwar' and 'Nyaya Panchayata' are quite old. The idea of 'Lok Adalat' is an extension of these concepts.

^{1.}Sinha Ashutosh: Lok Adalat (Article), National heald New Delhi, Jan. 26, 1986.

The essence of 'Lok Adalat' lies in its Voluntary character and in the Negotiated settlement it arrives at. It is an alternative forum which litigants can use if they choose to do so. There is no coercion to participate nor sanction for non-Participation. If the parties to the disputs do decide to particapate, it is their responsibility to strike an agreed settlement which they consider fair and just. If they do not succeed in so doing, of course, they go back to the regular courts for adjudication. The members of public including the law men who associate themselves in faciliating the settlement only and the parties by educating them on their rights and responsibilities under the relevent law and the possible attitudes that a regular court might adopt under the circumstances. The legal aid comittee or other social action groups provide the forum called 'Lok Adalat'only persuade people to attempt a settlement and provide

 the know-how on the law bearing on the subject. 1

The concept of Lok Adalat implies resolution of peoples' disputes by discussion, counselling, persuation and conciliation so that it gives speedy and cheap justice with the mutual and free consent of the parties. In short the concept of Lok Adalat implier speedy and cheap justice in which people and judges participate and resolve their disputes by discussion and mutual consent.²

Inaugrating the 8th Lok Adalat in New Delhi on Aug. 9, 1988, the Lt. Governor of Delhi Romesh Bhandari said that the traditional system of dispensing justice has been adapted to the present day legal requirements through the concept of Lok Adalat. He commended such an innovation through which Justice became quick, cheep and accessible. Lok Adalats simply rationalise and modernise the traditional system of

^{1.} Madhava Menon: Lok Adalat in Delhi (Article) The Hyndustan Times, New Delhi.

Diwan Paras: Justice at Doorstep(Article)Trilons (Chandigarh) Dec. 25, 1985.

Justice (Lok Panchayats) where peoples views were taken into considration while settling disputes.

The former Chief Justice of the Supreme Zourt of India Justice E.S. Venkataramiah, What is
the meaning of described the 'Lok Adalat' as the
'Krishna Sandhi' (Lord Krishna's famous offer of truce to the Kauravas in the epic 'Mahasharat'). He
said that if the concerned parties did not respond
favourably to this reputution concept, they will have
to fight virtually a legal Mahabharat.²

Lok Adalat system is visualised not as a substitute for the present judicial system, but as supplementary to it so that the mounting arrears are reduceed and fewer of new cases are instituted. Prof. Paras Diwan described 'Lok Adalat System' as a practical shape to the twin concept of 'Swaraj' and Sarvedaya' propounded by the father of Nation Mahatma Gandaya' propounded by the fat

^{1.} The Hindustan Times, New Delhi, Aug 9, 1993.

^{2.} Indian Express, New Delhi, 29.8,89 p. 2

dhi. The concept of swaraj implies not merely liberation from the foreign yoke but also emancipation from backwardness, poverty and illiteracy. The concept of Sarvodaya means well being of all, obliteration of distinction between haves and haves nots.

It enjoins us to work constructively and actively for the upliftment of the down-trodden from the deep mire of poverty and ignorance in which centuries of Subjugation has immersed them. The Indian constitution incorparates the basic concept of justice to all-justice, social, economic and political—and equality before law and equal protetion of Law.

So the concept of Lok Adalat had nothing new about it. It is the translation into practice of the idea of an effective legal machinery for mediation and conciliation. It is a proper means for bringing about

^{1.}Diwan Paras: The Justice at the Door-step of people
The Lok Adalat System
(Legal aid News letter April-June 1991)

out of Court settlement of disputes between the parties concerned through the intervention of persons of stature, status and experience who act as conciliators. It is the replication of the panchayat system, which has worked in our villages down the ages. 1

There is a growing feeling that Indians are much too disposed to litigate then try to resolve their disputes through negatiation, mediation or arbitration not withstanding the high cost of litigation. This is perhaps on account of want of an atternative human ingenuity being limited, the fact must be faced that it has not been possible to devise an inexpensive and efficient system where disputes could be satisfactorily resolved without courts' investigation. A vasthajority of the disputes at the grass root levels do not perhaps involve any complicated or serious question of law requiring adjudication through courts. If the members of the Profession play a positive role at the

^{1.}Shourie H.D: Close Look at Lok Adalats (Article)
Tribune(Chandigarh), March 5, 1986.

very inception of the disputes they would be able to pursuade their parties to negotiate a Settlement. If negotiations fail, they can be advised to try mediation failing that arbitration, and as a last resort court trial Since the Indian Legal System is highly professionalised it is for the membes of the profession to take the initiative at the earliest point of time to resolve the conflict without the intervention of the court as is being done in many other countries so that the courts time can be better utilised for cases implying substantial questions of law and court deckets can be kept within manageable limits. Once the is in Court, it takes it place in the queue and prolonged pendency only adds to the bitterness and widens the gap between the litigating parties making or settlement difficult. Justice A.H.Ahmadi says"The opportunity to negotiate which was missed at the pre-litigation stage is being sought to be supplied through the Town to an interest the state of the second second

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medium of an innovative instrumentality called the 'Lok Adalât' (People'scourt). These Lok Adalats off-er an alternative forum to parties to negotiate a settlement.

Objectives of Lok Adalats:-

The Principal objective of Lok Adalat is the resolution of disputes through conciliatory techniques and voluntary actions, they also help to create an awareness among the people of their rights and obligations by providing some education in the basic laws of governing in day to-day life, involing them in judicial at the grassroot level and preparing social workers to function as a para-legal force to give 'first aid' in law.2

Describing the objectives and aims of Lok
Adalats the former Cheif Justice of sepreme Court of

India Justice R.N.Misra on April 29 at New Delhi, said,

1. Justice A.H.Ahmadi, them Judge Supreem Court of India

WJA-Biennial conference held in at Barcelon on 6.11.91(Legal aid news letter June1992-March 1992) P.19

2.Diwan Paras: Justice at door step, Tribume (Chandigarh) Dec 29 1985. "The Lok Adalats are meant not only to settle disputs between parties in an expeditius and inexpensive manner but also to advocate the common man about their rights." He said that its objective was to maker people conscious and aware of their basic right guaranteed to them by the constitution and provide justice for the weaker and under privileged sections of the society, who could not afford to go to the law courts for redressal.

The former Minister of State for law and justice Mr. H.R.Bhardwaj said that ever the years the justice dispensation system had become increasingly costlier and the common man has to run from place to place for getting a legal remedy even in the matter of petty disputes. The Lok Adalat System and the legal aid schemes were devised to enable the weaker sections of society to obtain justice within the shortest possible time and in the Cheapest possible manner.

1. National Hereld, New Delhi, April 30, 88, p.3

2. National Herald, New Delhi, April 30, 88, p.3

It is obvious that neither prompous legistative declaration nor pontific judicial pronouncement are of the slighist use to the the masses of the people who know nothing about the laws enacted for their benefit or the cases decided to advance their cause. The objective of Lok Adalats is to launch a massive National programme of Legal literacy for the poor and backward people of country to their right.

Lok Adalats and Legal aid camp are often used as interchangeable expression. Both have the major objective of setting disputes which have not yet reached the Courts and those which are pending in the files of courts. Further they aim at providing minimum Legal leteracy to the people, involving them in judicial process at the grassroot level, educating social workers to function as para-legals giving first aid delivery and finally to deliver social justice through conciliatory technique and Voluntary action. All of

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them are noble objectives which support rule of law and democratic government besides taking justice to the door steps of large masses of rural population.

The Lok Adalat is an experience which is not merely for the free legal aid to poor but for the involvement of the legal profession in war against poverty and exploitation and for making the legal system more relevent to society. The Lok Adalat movement involves hovel radical more dynamic and multidimensional use of skill of a lawyer and expects the lawyer to perform the role of providing representation to group of social and economic protest. It does not regard litigation as playing an important or even significant role in life of the poor and hence refuses to consider the court as the centre of all activity and is concerned with the problems of poor as a class rather than with problems of the poor as a class rather with individual problems of the poor which may be projectedt in latigation in Epurt.

^{1.}Madhav Memon N.R.:The Lok Adalat Experiment,Hindustan Times (New Delhi,Oct 5, 1985 p.9.

One of the formost problems coming up before the administration of Justice these days is the accumalation of huge arreamof cases in the various courts at all levels. Various Seminars on the subject have already been held by the Government and jurists. The concept of Lok Adalat appears to have emerged as a salution of this problem. In an interview with U N I, former Chief Justice India Justice Venkatarmiah told that 100k Adalats can play an important role in promoting social and industrial harmony and effectively deal with the problem of arreares in country Courts. 1

Growth and Developmat of Lok Adalats:-

In search of alternatives to the inherited model of adjudication through courts, litigants have came to adopt a bewildering variaty of dispute settlement mechanisma, informal in approach, simple in tech-

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C.J.Stresses role of Lok Adalats'Indian Express,
 Aug. 29, 1989 p.2

niques, speedy in process and cheep in administration. Judicial reform has how become a priority item—
in the national agenda as evident from the utter—
ances of leaders at the recently concluded confer—
ence of chief Justices, Chief Ministers and Law Mi—
nisters. The pioneer of the Lok-Adalats is Justice
P.N.Bhagwati, former Chief Justice of the Supreme
Court of India who has given a great and timely push
to the effective method of expending Justice through
the machinery of Lok Adalats in India. 1

Mr. Justice P.N.Bhagwati initiated this experiment when he was the Chief Justice of Gujrat High

Court. In 1971, the Govt. of Gujrat appointed a committee to consider the question of grant of Legal Aid

to poor persons and backward classes. The Committee

was headed by the Mr. P.N.Bhagwati, them the Chief Justice of Gujrat High Court. This Committee submitted

its Report on 15th Aug. 1971, making positive and det
1.SHORIE: Close Look at Lok Adalats, TRIBUNE, 5 March 1986.

ailed recomendations for the grant of legal aid. The Report, was accepted by the Govt. of Gujrat, and Legal aid scheme was launched in Gujrat by Government Orders issued in 1972.

The constitution of India was amended in

1977 by inserting article 39A in part IV of the contitution of India containing 'Directive Principles of

State Policy' Art 39 A Reads as follows"The State shall secure that the operation of legal
system promotes justice, on a basis of equal opportunity and shall, in particular, previde free legal and,
by suitable legistation or schemes or in any other way,
to ensure that opportunities for securing justice are
not denied to any citizen by reason of economic or other desabilities."

The Constitution of India was amended in

1977 by inserting article 39A in part IV of the cont.

For the implame ontation of the constitutional obligation and for estableshing an adequate and vigorom us legal aid programme in the country on a Uniform bas-

^{1.} SHORE: Close Look at Lok Adalats, TRIBUNE 5March 1986.

basis, the Indian Govt. appointed a committee in 1976. Mr. Justice P.N. Bhagwati and Mr. Justice Krishna Iyer, the them judges of Supreme Court of India were the members of the Committee. This Committes submitted its report in 1977 ontilled "Report on National Juridicare: Equal Justice Social <u>Justice."</u> This report is comprehensive decument and its recommendations led to the establishment, by the Govt. of India, of a High Powered comittee called the 'Committes for Implementation Legal Aid Schemes (CILAS) under the Chairmanship of Justice P.N. Bhagwati, then the Judge of supreme court of India, in Sep. 1980. The aim to establish CILAS was to monitor and implement legal aid programmes on uniform basis in all states and union Termories. CILAS evolved a model scheme for a legal aid programme applicable throughout the country. CILAS is funded wholly by grants

^{1.}Alternate Dispute Resolution A Paper Presented by Govt.
of India for Meeting of Commonwealth Law Menisters at
um Christ Chuch, New Zealand, from 23-27th April 1980, Legal
Aid News letter, May-Autust 1990 p.11.

from central Government. The Government is according concerned with the programme of legal aid as it is for the implementation of a constitutional mandatle.

In 1981 Justice P.N. Bhagwati introduced a new scheme of Legal aid and Advice which was adopted by the most of States including Gujrat. The scope of this scheme was wider. It was introduced by the Government of Gujrat by Resolution dated 30th April 1982.

The Gujrat State Legal aid AND ADVICE board constituted with Chief Minister as Chairman and Chief Justice of High Court as Co-chairman, The Gajrat High Court Legal aid committee was also formed with a senior Judge of the Gujrat High Court, Hon'ble Justice Majumdar as Chairman.

The Lok Adalat activity was introduced in the Gujrat State for the first time by the Homble Ch-ief Justice of Gujrat High Court Mr. Justice M.P.Thakkar, in March 1982. The first Lok Adalat of the Country was held at the town of Una in Junagarh District of Gu-

prat and it was inaugurated by the Honble Mr. D.A.

Desai, the them judge of the supreme court. The success of the measure was demionstrated in Gujrat when ever 10,000 cases were settled through these Adalats. Some useful work was also done in Tamil Nadu and Maharastra, New Delhi, Uttar Predesh, Orissa, Himanchal Pradesh, Rajasthan have witnessed the utility of system.

In the tenure of Mr. Justice @@ P.N. Bhagwati as Chief justice of India, The Lok Adalat system had converted into a movement. Almost every week One heard the news of such Courts being organised at some place or other. The High Courts also initiated the programme of holding Lok Adalats sessions in the areas of their Jurisdiction. The first Lok Adalat in High Court was held at Jaipur in Rajasthan in 1987. The first The Success of Mr. Justice Bhagwati continued their 1. Times of India. NOV. 8 1987.

efforts to strengthen Lok Adalat movement. The former Chief Justice of India Mr. Justice R.N.Misra said that Lok-Adalats have proved their effectioncy at
high level they would be organised even the Supreme
Court. 1

Efforts for the Legal Status of Lok Adalats:-

Initially Nok Adalats were constituted at various places for the disposal, in a summary way and through the process of arbitration and settlement between the parties, of a large number of cases expeditiously and with lesser Costs. The institution of 'Lok Adalats' is at present functioning as a voluntary and conciliationy agency. It has proved to be a pioneer for a speedeer system of administration of justice.

It is, therefore, felt that it will be desirable to constitute statutory legal service authorities at the national, state and district level so as to

^{1 ----}Ibid

aid programmes. It was also felt that such a statutory support would only reduce the burden of arrears
of work in regular courts, but would also take justice to the door-steps of the poor and needy and make
justice quicker and less expensive.

The Legal Services Authorities Act. 1987

A bill providing for statutory sanction to the Awards of Lok Adalats was introduced in Lok Sabha on 29 August 1981. The 30 clause Bill on Lok Adalats was@ the most important in view of its socio-economic relevence. The Parliament passed the "Legal Service Authorities Act 1987." It received the assent of the President on 11th october. 1987.

The Actorovides for the setting up of Lok - Adalats which will have jurisdiction to determine and arrive at a compromise or settlement between the part-

^{1.} Times of India 25 Aug, 1987.

^{2.}Sativemi K.M: Legal Aid And Concept of Duty Legal Aid news letter, April 1991-June.

within the jurisdicition of any civil, criminal or revenue court or any tribunal constituted under any law, cognigance can be taken of cases pending before any court of tribunal "If the parties thereof make of a joint application to the court or tribunal indicating their intention to compromise the matter or to arrive at a settlement." The presiding officer of the court may them pass an order transferring the case to Lok Adalat.

Chapter VI of the Act describes about Lok

Adalats. The most significant feature of this Act is

that every award of the Lok Adalat shall be demed to

be decree of a civil Court-Further, no appeal shall lie

to any court against the aware. Thus a seal of authe
miticity or finality is sought to be given to Lok Ada
lat orders. Though emphasis is on simplicaty and expe
dition, this is not to be done at the cost of fair play

^{1.} Ariette 21 (b)of the Legal Services Authorities Act 1987.

and the Lok Adalats are to be guided by Legal principles and the principles of Justice, equlity and fair play.

In order to enable the Lok Adalats to effectively perform the role assigned to them, the Act Vests in them the same powers as &re vasted in a civil Courts Under the code of civil procedre, 1908, while trying a suit. 1

Apersual of the provisions of the Acty however, reveals that though emphasis is on speedy and informal adjudication yet. in view of same elaborate and
cumbersome procedure as of an ordinary civil Court.

One doubts whether the desired purpose would be achieved. Also, in the absence of lawyers as provided by apage acque achieved. Also, in the absence of lawyers as provided by apage acque acque

find themselves in a defficult position because of the procedural technicalities involved. The Adalat will, in that case, have on extra reponsibility to see that the interests of correct this simplement of the parties are jeopardised because of lack of understanding or procedures or assistance of lawyers.

The most important lactura in the Act is the provision under which only such cases can be taken upon the Lok-Adalat wherein the parties, make a joint application that they want a compromise or settlement. Upon such application the presiding officer (or district authority to which an application is made) shall pass on order transferring the case to the Lok Adalat. It is submitted that when parties have amongst themselves agreed to compromise or Settle their differences or claims then, they may as well do it before the presiding officer of the court before which their case is pending. There is no point in going through the corcuitous route there-

by involving duplication, waste of time and resources. 1

The Legal Services Authouties Act 1987 makes detailed Provisions about the Set-up of Lok Adalats and their functioning etc. However certain difficulties arises in implementation of this Act and so the Government amended the Act after the diffeculties were pointed out by Mr. Justice S.B.Majumdar and others. The mending bill was passed by the Rajya Sabha on 11th January 1991 and was pending the Lok Sabha, which dissolved in March 1991. Under the provisions of clause (s) of Article 107 read with. Act. 108(1) of the constitution, The bill still remains dormant in the form of a bill and has@ not been passed by the both the houses of Parliament as wet.

The Amondment Bill contemplates important amendmands in the provisions of the Act including Section 20. One of the amendment proposed is that if the parties before the Lok Adalats do not agree and the case can
1.Kusum: Success of Lok Adalats The Hindustan Times (New Delhi) 13 May 1989.

not be disposed of, it will have to go back to the court by which it was referred. The changes proposed are salutary. Besides, the possible constitution of a judicial system parallel to the existing courts which would come into existence by setting up LoK-Adalats under the Act. as it now stands, will also be avoided.

In the absence of a suitable parliamentary legistation, various states have promulgated their own programmes to achieve the desired objective of providing legal aid to the poor. Some states like Bihar, Karnataka and other have passed acts in their respective State Legislatures providing for legal aid to the poor. Majority of the States in India have not enacted any State legistation, but have promulgated certain Schemes or Rules, under which legal aid is being to the underpriveleged sections of the Society. 1

Lok Adalat at Supreme Court:-

The first Lok Adalat was held in supreme court on Nov. 19 1989 for the first time. It marks an importation of Legal Aid (artick) Legal aid News letter (oct.93-March 94) p. 7.

nt milestone in the evolution of the concept of "courts of people." The Chief justice of India Mr. D.B.

Venkataramaish inaugrated the Lok Adalat. The 396 cases
taken up by this Lok Adalat included 12, motor accidents claims cases, 87 labour matters, 13 service matters,
9 tendency disputes and one matrimonaial case.

Five courts, with two judges each, had been set up on the lawns of the Supreme Court to deal with each of the category. Relived and Sitting judges from various High Courts formed the conciliation panels. 2

Earlier, the Chief Justice of India Mr. E. Venkataramaiah, inaugrating the Lok Adalat, said @@@@@@@ that a large number of pending land acquisition cases, matters relating to casual labourers, temperary teachers, contract labours and land referms could also settled therough the Lok Adalat.

The President of the Supreme Court Bar Associ-

^{1.} Hindustan Times editrial, 22 Nov. 1989.

^{2.} The Times of India Nov. 21 1989 p. 1

ation Dr. Y.S.Chitate, described Lok Adalats as a step towards fully Indianising the judicial, system. It was not only a land mark but enly a lond mark but a trends-etter.

In a civilized society, there is a need of mechanismfor the settlement of disputes. There cannot be the rule of jungle or the rule of the might like a big fish gwallowing the small one. Therefore every civilized asciety has to bring about a dispute society resolving mechanism. In search of alternatives to the inherited model of adjudication through courts, litigants have come to adopt a bewildering viriety of disputes settlement mechanism, information approach, simple in techniques, speedy in process and cheap in administration. The formal Judicial system and the legal profession have by and large ignored them and purseed the adversary style of litigation as end in itself. Peo-The Lak Adelaha are occurrently preschaed by the

^{1.} The Times of India: New Delhi, Nov. 21,1989 P.5

^{2.}Mr.Justice A.M.Ahmadi in his Inaugral speech which was delivered at campus law centre, University of Delhi on 7th March 1992, at the workshop on 'Lok Adalat -An appraisal" published in Legal Aid News Letter, April-June 1992.

ple has increasingly started questioning its delay, cost, uncertainty and inquities in administration.

Within the coming into existence of Lok Adalats in most of the States in the country, The nations attention has been drawn to this now experiment which was started in the Sexties in Gujrat. The now system of cheep and speedy dispensation of Justice offers the prople a rydy ofhope. The existing judicial system with its emphasis on a adversial litigation, the mounting arrears and ever increasing cost, is almost on the verge of collapse, However, the Lok Adalat is not a sustitute for the present patters, but a supplementary factor. 2 We can study the organisation procedure and Powers of Lok Adalats through the following stepes.

Organising Agency-

The Lok Adalats are generally organised by the

1. Madhava Menon N.R.: The Lok Adalat Experiment Hindustan
Times(New Delhi Oct 5, 1985 p. 9.

2. Diwan Paras: Justice at Doorstep: Tribune(Chandigarh)
Dec. 25th, 1985.

State Legal Aid and advice boards or the District Legal Aid Committees. The date and place of holding a Lok Adalats are fixed about a month in advance. Generaly Lok Adalats are organised on non-working days only avoiding conflict with judicial working howrs and days. As such, the Board acts as a supplement to and is not intended to have any conflict or competition with judicial Set up or the Judicial work. All cases are dealt with by the concerned judge of appropriate level who also happens to be the chairman of the relevent Legal Aid Committee and hence, at obviates the necessity of transferring the records or shifting the responsibility from one body or authority to another, when a matter is settled in Lok Adalat the judge, like any other matter, records the compremise and further action there on, may be required to be taken in case of any other judicial matter settled through court on a working day, follows and thus it makes no difference for the litigant in foollowing subsequent procedure, whether the matter is settled in

Lok Adalat on non-working day or in the fourt on a

working day. It may also be made clear the matters

which are settled in courts on a working day are

not included is statistics supplied by the Board for

the work done through Lok Adalats. Thus matters wh
ich are settled only on a non-working day and that

also through Lok Adalats alone are included in Boards

statistical data. 1

Now the Lok Adalats have been organised in different parts of the Country since March 1983. Some states have started a little late but by and large all the major States are involved in this scheme. The State ate level organisations which have been set up are not identical. There are difference is approach in holding the Lok Adalats. Some State Legal Aid Boards are headed by the political wing of that State, some are chaired by the Chief Justices of the State and so on and mother than the Chief Justices of the State and so on and mother than the General outlines of Legal aid work in Gujrat State, Legal Aid News Letter May, August 1990. p.7

so \$57th structure of Legal Aid committed is concerned. The approach in helding the Lok Adalats is not uniform all ever the country. 1

Preparation:-

The Lok Adalats take up two types of cases: those which are pending in the courts and these which have not reached the courts but are expected to be sent there. So for as the pending cases are concerned, the district and se§sion judge and the Deputy Commissioner ask the subordinate Judges of area to prepare a list of pending cases in their respective courts which they consider to be suitable for a compromise or negotiated settlement. Such cases may pertain to civil, revenue, and minor criminal disputes. Ordinarily, for labour and industrial disputes and motor vehicles accidents claim cases separate Lok Adalats or camps are organised because such disputes are of a different nature. For the sele-

Mr. Justice A.M.Ahmedi, Executive chaur of CILAS, in the cheech speech delivered at compus Law centre, University of Delhi on 7th March, 1992, at the workshop on Lok Adalat---An Appaisal."

ction of cases no hard and fast criteria or rules are laid down. The subordinate Judges are completent and well-equipped to identify the cases in which a smooth compromise is possible.

Upon the preparation of list of such chases, they are analysed and consolidated under various heads to which the Group of cases pertain and substance of each case is recorded in a preforma, which can be used for reference, verification and correspondence later on.

Once selection is made and lists prepared, they are consolidated and the substance of each dispute recorded in a proformawhich can be used for reference, Verification and correspondence. Notices are then issued to the parties as well as their lawyers in respect of the selected cases asking them whether they are interested in settlement of their claims in a Lok Adalat

^{1.} Madhava Menon N.R.: The Lok Adalat Experiment Hindustan Times, New Delhi; Oct 5,1985

through nogotiation and conciliation. The cases of these who reply in the affirmative are collected from various courts for processing in Lok Adalat. The parties are then requested to present themselves on the day of Lok Adalat. The Chief Justice and other Justice of High Court and Supreme Court are usually informed of this preparatory work so that they can plan a visition the day of Lok-Adalat. It is seen that the chief justice or other judges of the High court and Supreme court participate in most of the Adalats giving them great legitimacy and respectability.

Publicity compaign

An Another step in holding a Lok Adalat is usally a legal aid publicity compaign by the @@@@@ local legal aid comittee of a voluntary group familier with the area, the people and their problems. One or two legal literacy projects, socio-legal surveys and possibly a para-legal training programme on legal aid for workers in the area can generate the motivation and the exper-

tise, required for organizational and social mobilization purposes. Of course, this step depends upon the rural or urban character of the area and the nature of problems proposed to be handled by the Lok Adalat in question. Often the teachers of the local schools, the village level workers and the students of the local law college are **found** to be suitable workers for legal aid camps and Lok Adalats. An orientation programme for such persons if they are not already involved in legal aid is essential for @200 the eptimum utilisation of their services in legal aid camps. This or entation meeting and the para-legal training courses can be organiged by the legal aid committee or the nearest law college legal aid cell. All these programmes are preparatory steps in social mobilisation for legal action. 1 Involvement of Administration and Society

While the local courts prepare themselves with

- Constitution of a simple settlement of application of a settle

^{1.}Modhawa menon NR.: The LokAdalat experiment Hind-ustan
Time% New Delhi, Oct 5, 1985 P.6

the selection the appropriate cases for settlement, activity statts at the administrative level as well. The District Magistrate, the revenue administration, the police, the welfare department, the Sarpanchas of nearly Villages are contacted by the District Judge or the legal and committee to extend their help in settling small matters affecting their departments visa-vis the @@@@ local people. Appeal, persuation, pressure and sometimes threat of legal action are cleverly employed to move the bureaucracy to action. Politicians and political parties are usually kept away from legal aid operations through sometimes they get involved and improve their own image among the people. Each of these departments, the village elders and the social announce the holding of a legal aid comp Lok Adalat in the village concerned at least a month in advance and Dee ask people having problems to convey them to the committee and to assemble on a given date at a specified place, usually the village school building. Thus, The Lok Aca

Adalat mobilises disputes which have not yet gone to courts while the local Judiciary feeds it with pending cases for settlement.

In respect of pre-litigation complaints add grievances against the local administration, the organising committes of the Lok Adalat reduces them into writing, examines the remedies available and writes letters requesting the opposite party or administrative authority to remain present in the Lok Adalat to help resolve the disputes. The good office of the revenue and police officers and the sarpanchs are sought to persuade the opposite parties to present themselves and help find solutions to peoples complaints on the the spot wherever possible. The exprience in the different states of the country shows that more than sixty percent of respondents respond to these friendly notices and co-operate in reaching just solutions at the Lok Adalat without resorting to technical arguments and officeal red-tape.

^{1.} IBID

The Courts

The judges of Lok Adalat are usually a retired or existing @@@@@@ judicial officers, semior civil servents and megistrates. Each court is assisted by a group of cnciliators. The number of conciliators is usually three. The conciliators of Lok Adalat are usually public men, social worker, intellectuals inculuding members of legal, Teaching and medical profession. Chapter VI of Legal services Authorit ies Act1987 says:

"Every Lok Adalatorganised for an area shall consint of such judicial officers of the area as may be specified by the state or District Authorities the Lok Adalat and such other members possessing such qualifications and experience as may be prescribed by the state Government."²

Each Lok Adalat is assicted by a clerk made

^{1.} Legal Aid News Letter: May-Aug. 1990 P. 15.

^{2.} Art 19(2) of State Legal Services Authorities Act 1987.

available to them by the presiding officer of the Court. The clerk preaperes an agreement of settlement under the supervision and guidence of Lok Adalat and the signatures of the parties are obtained thereon. In case it relates to a matter pending in the Court, the agreement is presented to presiding officer. Who satisfies himself that the compromise has been windlingfully arrived at and is legal and passes an order for recording the compromise.

In case some formalities are natessary to be completed, the agreement is produced before the court on the next working day and an order in accordance with law is passed dispensing of the matter. In crimunal matters also parties are persuaded to sink their differences, forget past enmity and create a situation where they so cut of Lok Adalat without bitteress in their hearts. When such a matter is settled they are made to embrace each other or shake their hands in a cordial atmo-

letter April 1991 -June 1991, P.10

sphere before presenting the compromise seeking permission to compound criminal cases in relation to compoundable cases.

In other cases where perties come only for legal advice and guidance approcpriate legal advice is given to the persons seeking advice from Lok Adalat approach.

Seesion**s**1

A Lok Adalats is a day-long exercise at pre-determined place. On the specified day, place and time session of the Lok Adalat is held, and apart from parties to the dispute, people of the locality also asseppmble.

The Lok Adalats has not uniform pattern in all over the countory. At some place Lok Adalats are in-augrated, at some place we do not see in augral function.

So the methods that are employed are also not identica-

L¢. Each High Court or State evolves its own methods.

1.Diwan Paras: Justice At Whe doorstep of the people:

The Lok Adalat System; Legal aid news
letter April 1991-June 1991 P. 10

Mr. Justice Ahmadi said in a workshop on Lok Adalat,

--- as for as possible in this we have not tried to

interfere as we have been keenly watching which is

the best method that ultimately emerges. We have giv
en them a free hand a long rope to experiment with

different methods. We have also been watching which

is the one which is most successful for bringingabout

dispensation of cases through Lok Adalats. 1

Multiple panels of Lok Adalats (10 or 15 panels or even more, as the need may be) are sit up

These panels consist of two to three persons. In these panels one member should be a retired judge or senior retired civil servant or existing law or administrative officer, and others are social workers and eminent persons of locality. The Selection of the members
of Lok Adalat is very vital for the success of the conciliation and adjudication. They are carefully chosen

^{1.} Form the speech delivered by Mr. Justice AM. Ahmadi at campus law contry, University of Delhi on 7th march 1992, at the workship (Lok Adalat- Anaappraiseal.

and invited by the organizing committee based on the eir record of public service, honesty, respectability among the local populace and learning.

The Lok Adalat Commences its sittings at about or 9-30 in the morning and continue to work up to about 5.30 or 6 p.m. with a lunch break of an hour. The sittings are held in rooms of a Court house or other premises made available by the Presiding officer of the Court.

The Lok Adalat is open to the members of public Generally a large crowd collects at the Venue of the Lok Adalat. In the presence of the members of the public, the cases are called out one by one and each matter is discussed with the concerned parties and the judges of the Lok Adalat get at the heart of the problems and persuade the parties to @@@@ resol*ve the dispute amicably.

Translate In.

^{1.} Machaevamenon N.R: Lok Adalat Experiement windstam? Times New Delhi, Oct 5, 1985, p.13

Conciliators

Each Lok Adalat is assisted by a group of Conciliators, They are usually a retired or existing judicial officers, sendor civil servants, magistrates and social workers. It is not necessary that the members of Lok Adalat should be persons with a judicial back ground. Although, of course, it is good to have at least one person with adequate legal knowledge knowledge and judicial experience.

This offers the contesting litigants an opportunity to negotiate and timely intervention by panel members of Lok Adalat to help in bringing the gap between the parties. Before the Lok-Adalat a dispute is not dealt with on the basis of the usual court procedure nor is any evidence of the witness recorded, although the comprising the Adalat may hear the witnesses if they are brought by either party to substantiate their calims.

^{1.}Shourie H.D: Close look at Lok-Adalat, TRIBUNE, March 5, 1986

If there are any documents which support the claims or are deemed relevent to the settlement of dispute, the Adalat members examine them original documents are not placed on the files of lok Adalat, only their copies are part on record, the purpose of the proceedings is not to adjudicate but to bring about a compromise through mediation and conciliation after hearing both parties and exploring the possibilities of bringing about a durable settlement.

Approach

Through Lok Adalats settlements are arrived at between such parties as may not have yet gone to Court and also between those who have taken their disputes to court but are willing to get a proper settlement effected through Conciliation.

Where the matter has not one to court, One

2、1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,

party submits an application to the Lok Adalat stating the nature of the dispute and giving the address of the other party. The Adalt Calls the two parties before it and attemts to bring about a settlement which in then recorded (it takes the shape of an agreement to resolve the dispute)

The parties are called before the Adalat at the initiative of one party, or both of them, or an reference to the Adalat by Court concerned. The conciliation effected between the parties is recorded and remitted to the court which issues the 'consent degree' making it legatly binding on the litigants. 1

The essence of the Lok Adalat lies in its

voluntary Character and in the negotiated settlement

it arrives. It is an alternate forum which litigants

can use if they choose to do so. There is no coercion

to participate nor sanction to non-participation. If

1. Shourie H.D: Chose Lok At Lok Adalats, TRIBUNE, 15

March 1986

the parties to the dispute do decide to participate, it is their responsibility to strike on agreed settlement which they consider fair and just. If they do not succeed in so doing, of Course, they so back to the regular court for adjudication. The members of the public including the law men who associate themselves in feciliating the settlement only aid the parties @@@@@ by educating them on their rights and responsibilities under the relevent law and possible attitudes that a regular court might adopt under @@@@@ the circumstances. The 'Lok Adalat' only pursuade people to attempt a settlement and provide the know how on the law hearing on the subject. 1

Face to face the parties rerely controvert facts and the strength and weaknesses of each other's case are quickly realised and intelligently absorbed without need for third party intervention. The Adalat

^{1.} Madhava Menon N.R. Lok Adalat in Delhi, Hindustan times New Delhi. Nov. 21. 1989.

judges who in the cunctional sense may appropriately be called the conciliators, only help circumvent procedural bottlenecks and articulate the alternative lines of settlement pursued by either party. They also clarify the law relevent to the situation. The Prpatronage from the judiciary consists of their willingness to lend files pending in their courts for @conciliated settlements between the parties and in giving their authority to the settlements as and when they are arrived at with the intervention of Lok Adalats. The informality and cordially provalent in the Lok Adalat help parties, their well-wishers including advocates and public-spirtted citizens to participate in freely talking over the real and alleged differences between the disputants and reach a conclusion which leaves no stitution of Lok Adalat of enduring value not only to the fair settlement of disputes but also to the promo-1. Madhay M

tion of social harmony and good neighbourliness. It is also chapter and quicker then the formal court procedures. 1

The approach followed by Lok Adalat is based on commonsense and fairness. The Solution should be practicable and in conformity with legal rights and duties of the parties. Each cell is assisted by a group of conciliatars who study the case and interview the parties and assess the scope of settlement acceptable to them. They assist the lok Adalat judges and help to educate the parties on the issues involved and implications of the settlement proposed by the either side.

Once the settlement is reached out, it is immediately reduced into writing by the court cherk clerk and the signature of parties and or their lawyers obtained there in. The judges of the local Courts will be sitting in an adjoining room throught the duration of 1. Madhav Menon N.R.:Lok Adalat In Delhi Hindustan Times (New Delhi) Nov. 21, 1989.

Adalat. The settlement reached in different cells are presented in the judges of courts in which they are pending by the parties to the dispute. The judges then examines the fairness and legality of the agreement, satisfies himself that the Compromise has been willingfully arrived at, passes on order for judicially recording the compromise. 1

Parties who settle longstanding disputes show a sign of relief and give expression to their fellings by mutual embrace and pleasent exchanges right inside the people's Court.

The people by and large who are not aware of the Law on the subject has his own notion of justice. This is where very often a difficulty arises. It becomes necessary to bring him out of that concept of his own to acquaint him or tell him that this is law and if you go to a court of law this is how your problem will be looked at and case will be decided on the ustan times oct 5, 1985.

basis of this law. Lok Adalats have a slight advantage so far as that is concerned. Judges when they are required to adjudicate on the problem in a court of 1200 law are bound by the on the subject and their area of discretion is stated on the subject and their area of discretion is also limited. But when it comes to the settlement of cases through Lok Adalats, a great deal of floxibility is available because when the parties come to their own terms with little assistance here and there and they are able to reach a particular decision they consider it to be just and acceptable, that can be given effect to without there being the difficulty which the court experiences due restricted paramaters of the law. Therefore, Lok Adalat offers more satisfaction in the sense that the concept of justice is not accordance with the law but can be more liberal in its approach and problems can be settled in a little different manner than what can happen in a court of law

With the state of the state of the Minds

It is therefore, on account of this advantage and informality attached to the Lok Adalats that more and
more people may like to have their disputes settled
through Lok Adalats!

Jurisdiction:

The cases which are generally brought before a Lok Adalat relate to, among others, the fallowing matters: Criminal offences which are compoundable, mutation of land, encroachment on forest lands, family disputes, land acquisition disputes, and motor accident claimes: Further Lok Adalats also take up disputes which have not yet gone to Courts. Art 19(3) of the Legal services Authorities Act, 1987, tells.

"A Lok Adalat shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of any matter falling within the jurisdiction of any civil, criminal

^{1.} Alternative Dispute Resolution; A paper by the Govt of India for Meeting of commiton wealth Law Ministers at Christ church, Newzealand from 23-27 th April 1990

or revenue court or any tribunal constituted under any law for the time being in force in the area for which the Lok Adalat is organised."

A detail study of the cases taken by Lok Adalats shows that not all categories of cases can be taken to Lok Adalats. It is, therefore, essential to identify those Categories of cases which really belong and which can be taken to Lok Adalats where they could be negotiated and settled. Motor accident cases is a category which has identified as one which can be settled because the law in regard to the payment of compensation in Motor Accident Cases, the working out of the compensation or mechanics of the compensation to be passed ultimetely has also been settled by a large number of decision of various courts including supreme Court. Therefore, now it has been virtually reduced to mathemetical formula with figure worked out and multiplier taken bearing the age factor in mind. There

Chapter VI, Art 19(3) of Legal services Authorities
 Act-1987

多,扩张的数。最上的扩张。相似企画作品的"

are certain cases, for example matringonial cases which can also be disposed of through Lok Adalats. There fore, it is necessary to realise that the cases can be broadly divided into two categories, those which involve question of law and which really belong to the courts for disposal because questions of law have to be settled, the provisions have to be interpreted and the law has to be stated by the courts, It cannot be done by Lok Adalats and it is not proper to bring these cases to Lok Adalats because it takes away the opporunity from the court to settle the law on that particular question. Then there are cases which have a reason not because any substantial question of law is involved but because the disputes have arisen on account of some misunderstanding, some misgivings and lack of communication etc. Now these are the cases which can be identified and settled. Mr. Justice A.M. Ahmadi expressed his views this matter in semiler in the following way;

"We have been trying to identify the Categories of cases and in the second category again, One has to sub-head and identify the cases which can be taken to Lok-Adalat. At the same time it is necessary to bear in mind that you should not take cases which really can not be negotiated and settled through the Lok Adalats. 1

Cognizance of cases by Lok Adalats:

The Legal Service Authorities Act 1987 tells in this regard as follows:

(1) Where in any swit or other proceeding which is capable of being taken cognizance of by a Lok Adalat under the provisions of this Act and pending before any court or tribunal indicating their intention to compromise the matter or to arrive at a settlement, the presiding officer of the Court or tribunal, as the case may be, instead of proceeding to effect a compromise between the par-

^{1.}Mr.Justice A.M.Ahmadi the then Judge, Supreme Court of India and Executive Chairmen CILAS in speech delivered at compus Law Centre, University of Delhi on 7th march 1992. at workship on "Lok Adalat-An Appraisal." Legal Aid News Letter April-June 1992 p.7

ties or to arrive at a settlement himself, and not iwithstanding anything contained in any other law for
the time being in force, pass anorder that the suit or
proceeding shall stand transferred to Lok Adalat for
arriving at a compromise or settlement:

- (2) Notwithstanding anything contained in any other law for the time being in force, the district Aughority, on receipt of an opplication from any person that any disputs or matter pending for a compromise or settlement needs to be determined by a Lok Adalat, refer such disputes or matter to the Lok Adalat for determination.
- (3) Where any suit or Proceeding is transferred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-saction (2) the Lok Adalat shall proceed to dispose of the suit, proceeding, dispute or matter and arrive at a compromise or settlement between the parties.
- (4) Every Lok Adalat shall, while determining any proceeding before it under this Act, act with ulmost expedi-

tion to arrive at a compromise or settlement between the parties and shall be guided by legal principles of justice, equityand fair play.

- (5) Where no award is made by Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, it shall be open to parties to a suit or proceeding transferred from a Court or tribunal under sub-section (1) to continue such suit or proceeding before such court by tribunal, or if it is a dispute or matter referred to a Lok Adalat under-sub section(1), any of the persons may institute a proceeding in an appropriate court.
- (6) Where, under sub- section(5), the parties to a suit or proceeding intend to continue the proceeding in
 such suit or proceeding before the court or tribunal
 from which it was transferred such court or tribunal
 from_it was transferred such Court or tribunal shall
 proceed to deal with such suit or proceeding from the
 stage at which it was before the suit or proceeding from

the stage at which it was before the suit or proceeding was transferred to the Lok Adalat. 1

Award of Lok Adalat:

art 22 of Legal service Authorities Act1987

says: (1) Every award of Lok Adalat shall be deemed to be a decree of a civil Court of order of any other court or tribunal and where a compromise or settlement has been arrived at, by a Lok Adalat in a suit
or proceeding transferred to it under sub-section(1)

of section 20, the Court fee paid insuch suit or proceeding shall be refunded in the manner provided under
the court fees Act 1870 (7 of 1980).

(2) Every Award made by a Lok Adalat shall be final and pinding on all the parties to the dispute, and no appeal shall lie to any Court against award. Powers of Lok Adalats

According to the Legal services Authorities

Act 1987. the powers of Lok Adalats are as follows:

(1.Chapter VI, Art 20 of Legal Services Authorities

Act 1987.

- (1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil procedure, 1908 (5 of 1908) while trying a suit in respect of the follwing matters, namely:-
- (a) The summoning and enforcing the attendance of any witness and examining him on oath;
- (b) The discovery and production of any document;
- (c) The reception of evidence on affidavits;
- (d) The reguisitioning of any public record or decumemt or copy of such record or document from any Court
 or office; and
- (e) Such other matters as may be prescribed.
- (2) Without prejudice to generality of the powers contained in subsection (1) every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- (3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of section

193, 219 and 228 of Indian Penal Code (45 of 1860)
and every Lok Adalat shall be deemed to be a civil

6 ourt for the purpose of section 195 and Chapter XXVI
of the code of Criminal Procedure, 1973 (2 of 1974.)

CHAPER-IV LOK ADALATS AT WORK

Indian Constitution promises equal justice to all Citizens. Almost 40 percent of our population lives below the poverty line. The promise of equal justice in our democratics society requires us to dedicate ourselves to the great task of converting that promise into reality. Nowhere does this task appear more challenging than in the need for dispensing expeditious justice to the poor and the weaker sections of society. Million of our countrymen claim redress against injustice in onte fa-Tom bar another. It is only right that these claims which fall within the proper scope of judicial redress should receive urgent attention. The weaker sections of society do not have the staying power which the affluent and the well-to-do possess. Speedier avenues of justice must be found for them and there must be greater opportunity for restoring to them.

It is one of the fundamentals of a true democracy that its citizens should be educated in their legal rights and that they should be entitated to legal assistance in the assertion of defence of their rights. The provisions of legal aid has been identified as a Constitutional objective, an objective which requires that opportunities for securing justice should not be demied to a cetizen merely by reason of his aconomic or other such disability. The state has recognised its obligation to finance Legal aid programmes and to assist in other ways for bringing justice to the poor.

The Committee for Implementing Legal Aid Schemes (CILAS) was constituted by @ the Government of India in 1980 to implement legal aid programmes on a uniform basis through out the Country. The Programme evolved by it have been adopted by almost all the State Governments and some of the Union Te-

provided free legal aid throughout the land. Lok

Adalats have been organised at various places in

the Country for disposal of a large number of cases

expeditiously, through the process of Settlement

between the parties. The institution of Lok Adalats

is functioning as a voluntary and concitiatory age
ncy and is becoming popular in providing speedier

syste for the resolution of simpler classes of dis
putes.

The Statistics available with the Secretariat of the Committee for Implementation of Legal

Aid Schemes indicates that the number of benificiaries of the legal aid movement throughout the Country has been steadily increasing over the years.

9,027 Lok Adalats have so far been held in all over
the Country till 1994 in which 42,37,147 cases have
been settled. 2,26,144 Motor Accident claims Tribu-

nal Cases were disposed of through Lok Adalats where the amount of Rs. 485,99,09,323 as compensation to Victim farmilies. The following table 'A' shows state wise information relating with the Lok Adalats:

Table A¹

NUMBER OF LOK ADALATS ORGANISED STATE LEGAL, AID AND ADVICE BOARDS DISTRICT LEGAL AID COMMETTEES, CASES N
BY SETTLED, AMOUNT OF COMPRESATION PAID

	S. Name of No the St- ate Le- gal Aid and ad- vice Be ard.	Number of Lok Adal- ats Orga- nised.	Number of cases (in cluding MACT cases) settled.	Motor Accider nt cla- ims Tr- ibunal cases Settled	Amount of Compe- nsation paid to the clai- mants Rs.
	1.Andhra Pradesh	301	2,11,315	17,959	51,46,04,567
	2.Assam	52	5,286	1228	4,82,71,852
	3.Bihar	16	40,181	209	89,39,580
	4.Goa	19	1,514	851	3,19,87,751
	5.Gujrat	743	1,07,914	21,617	54,75,00,000
,	6.Haryana	429	1,40,734	6,328	26,80,25,997
	7. Himachal Prede sh	36	10,763	367	90,96, 26,361
	8.Jammu & Kashmir	1	76	76	59,97,000
	9.Karnataka	1,369	2, 75,935	30,830	52,27,27,407
	Will be a second of				

Based on the information available wits CILAS published in Legal aid news Letter Oct. 93, March 94; 1995.

10.Karala	30	18,583	13,194	7,26,49,795
11.Madhya Fradesh 12.Maharash-	440	5,45,699	51,406	19,61,76,432
tra	1,105	58,446	8,800	19,84,74,730
13.Manipur	4	476	67	20,02,000
14.Me b halaya	3	236	114	39,54,000
15.Mizoram	4	268	196	43,34,000
16.Orissa	1,783	5,00,045	6,202	17,58,48,503
17.Punjab	116	22,674	6,069	12,22,73,449
18.Rajasthan	321	5,56,463	10,878	33,03,07,711
19.Sikkim	3	10	-	licen .
20.TamilNadu	492	24,957	24,854	68,54,67,073
21.Tripura	3	474	85	28,14,500
22.UttarPrades	h 1,673	17,02,265	15,942	53,45,04,875
23.WestBengal	32	2,275	1,424	5,46,56,700
24.Chandigarh	10	1,689	140	82,75,800
25.Delhi	23	7,971	6,316	48,94,71,488
26.Pondicherry	19	998	992	2,15,51,552
GRAND TOTAL	9,027	42,37,147	2,26,14	4 485,99,09,32

Lok Adalats help to make the poor and illiterate Conscious and aware of their basic rights. It also provide justice and legal aid to the weaker and under privileged sections of the society, who could not effored to go to the law courts for redressal. In India legal aid and advice has been provided

and the tem action, national instant 1994

to 17,88528 person through Lok Adalats till March, 1994 out of which 3,09,790 personSbelong to sheduled castes; 1,70069 to sheduled tribes; 64183 to backward classes; 1,72030 women and 7,429 children and 10,64,977 persons belong to general Category. The State wise No. of benificiaries in Lok Adalats is all over India can be seen in the following table 'B'.

Table-B

NUMBER OF PERSONS PROVIDED LEGAL AID AND ADVICE IN COURTS

(Based on the information available: with CILAS--as on 31-3-1994)

Sl. Name No. state Terri	/union	Genera	l Sech dule Cast	ed- dul	e- Back ed ward be Clas		Chil- Total	-
1 2		3	4	5	6	7	8 9	-
1.Andhra Pradesh	7746	3,047	1,539	3,894	2,753	169	19, 148	
2.Atunac- hal Prade sh		67	240	46	40	-	1, 358	
3.Assam	1,170	4	•	4	2		1, 180	
4.Bihar	2,790	***	-	****	495	-	3, 285	
5.Goa	85	1 1	•	192	143	_	421	
6.Gujrat	9,316	1,950	1,541	-	3,068	130	17,005	
	11.4						The state of the s	

^{1.} Based on the information available with CILAS, published in Legal Aid New Letter, Oct 1993 March 1994 p. 16

	7.Harayana	6,019	403	43 2	98	642	238	7,642	
	8.Himachal Pradesh	511	285	24	32	147	1	1,000	
	9.Jammu & Nashmir	4,359	364	32 1	52 2,	200	145	7,252	
	10.Karnat aka	20,947	388	1,601	13,694	6,80	37 57;	ā4 , 494	
	11.Kerala	1,175	***	tegen.	4004	2	- 1,	177	
	12.Madhya : Pradesh	2,27,020	1,39,	077 1,	20,389	-	- 4,	86,486	
	13.Mahara- Predesh	60,148	7,55	7 4	,324	- 7	,749 428	80,206	
	14.Manipur	49	time	11	-	45	12	117	
;	15.M eg hala	 . ya 80	100m 400m 400m .	TOTAL PERSON CONTRACTOR	000 000 400 8000	union service many	200 MIN WELL BOOK	80	-
	16.Mizoram		16	662	. 11	26	- 2	, 115	
	17.Nagalan			2		6900		2	
	18.0ris s a		26,008			19,7	81 367		
	19.Punjab	,	1,948		247 1,2		99 2 4		
	20.Rajas-	0,041	1,9540						
	than	6,879	4,411	8,2	2 50 4	462 2	,984 4	99 23,395	
	21.Sikkim	148	7	21	•		27	1 204	
	22.Tamil Nadu	4,85,707	76,50	4 8,5	530 -	- 1,0	1 5 50 1,	102 6,73,39	93
	23.Tripura	1,650	ento.	**	tops	entere "	-	4 1, 650	
	24.Uttar Pradesh	92,253	29,52	2 4,	444 34	4,999	3,307 3	,025 1,72,	560
	25.West 2 Bengal	1,010	4,672		788	560	4,470	117 31,61	7
	26.Anda- man&Necoba Islands	r 10	101		<u>.</u>	- <u>-</u> p -	41 - - 8.	- 30	
		24,191	1,210	15	i i i i i i i i i i i i i i i i i i i	6,366	5(31, 832	K.D
	28.Pendi- cherry	245	5,823	14	3,5	83 1	, 873 -	1,198 12,7	36
		4.7 F 10 SA	(00) 11 12 11	STATE STATE		1 1 1 1 1 1 5		S	1 0 0

291, End Cento

29.Supreme CourtLegal 57,455 526 200 11 1,054 6 59,252 Aid Committes

Grand Total 10,64,977 3,99,790 1,70,069 64,183 1,72,930 7,479; 17,88,528

Lok Adalats in U.P.

The U.P. Legal Aid and Advice Board @@@@@@@@@@@ established in 1981 and free aid and advice is available to all the persons in the State, earning Rs. 9,000 annum at the maximum. Further, in case of S.C./S.T. women Children, poor weak and destitutes, free legal aid is provided with no income ceiling. Motor accident compansatiom claims, matrinacnial cases, petty criminal cases punishable with fine and revenue cases also pending before the Courts of law U.P. are particularly stressed upon to be settled more and more through Lok Adalats and Camps. In order to provide social justice in the State, legal literacy camps are organised in remote areas of district to provide information of &elfare schenes being implemented by the State and to bring awareness of their rights so as to ensure that no person is deprived of justice because

of pecuniary or other disability.

During the period of 1981 to 1994. the

Board attained unprecedented success in all the above

programmes through the District Legal Aid and advice

Committee as it is evident from the following figures.

Table-C

Year	No. of	LokAdalats	No of total cases Settled
1981-82 1984-85		127	55207
1985-86	1	27	128993
1986-8 7	1	22	135751
1987-88	1	29	1 7 314 7
1988-89	1	74	183384
1989-90	1	86	214900
1990-91	2	00	222326
1991-92	2	53	216425
1992-93	2	82	285676
1993-94	2	73	86456
Total	16	7 3 171	02265

Table-D

Statment on Sttlements of motor Accidents Compensation Claims through Lok Adalats and the quantum of

Compensation	awarded	therein)1
000000000000000000000000000000000000000	e werr den	CHETETH!

Year	No.of motor Accident Compensation Claims Settled.	Quantum of Compensa- tion on awarde (in Rupees)
198 5- 86	135	21, 23, 293.75
1986-87	1150	252, 98, 453.57
1987-88	1946	362, 86, 463.73
1988-89	1867	492, 80, 739,05
1989-90	2284	741, 84, 235,05
1990-91	2306	755, 90, 787.15
1991-92	2496	951, 51, 173.25
1992-93	3062	1,282,65155,75
1993-94	1146	1, 06, 188,161.75
Total	15942	5,867, 98,468.05

Similarly, the particulars of Matrimonial cases, petty criminal cases punishable withfine and reve-

nue cases settled areas follows. 2

Year	Matrim e nia cases	crim: al pu	in- Fine	Revenue
arman arinan status status	THE STATE STATE STATE OF THE ST	shable with	fine	
1985-86	-	46155	5,53,540.00	73339
1986-87	-	74037	15,73,025.00	54177
1987-88	915	72336	27,96,236.73	77804
1988-89	877	94402	36,43,961.00	87077
1989-90	728	122006	52,54,426.00	71777
1990-91	1114	137714	66,50,239.38	69753

^{1.} Legal Aid News Letter April-Sep. 93 p.7 and oct. - manch, al

1991-92	1567	132940	70,99,545,07	65611
1992-93	1678	175129 1	16,60,435,70	94633
	1000 time 1000 time	name passe dates allows	40000 classes 6470,5 (4,000) 440,000 85444 41999 6	como Pilingo elicado adolho antiglio
Total	6879	859219	3,92,36,408.88	594171

The above tables show that the sphere of Lok Adalats to progressing increasing every year. Settlement of Motor Accidents compensation claim, matrinonial cases and revenue cases expeditiously and a compromise is benefical especially to common man and people of rural afeas, Faith in the popularity of Lok Adalats are constantly increasing. If the member of the cases settled through Lok Adalats throught the country is looked at, it would be seen that contribution of U.P. is nearly 1/3 rd of that member. 1

In order to celebrate the Birth centenary of Dr.B.R. Ambedkar as year of Justice, social legal literacy camps were organised for S.C./S.T. during the years 1991-92 and 1992-93 where legal knowledge on general subjects was provided by judicial officers, learned

^{1.} Legal Aid News Letter, April 93-Sep. 93 p. 7

advocates and other social activities, official schemes were also brought to the notice of the public and the laws relating to common man and the books published on the Schemes were freely distributed in the regions deminated by people belonging to S.C./S.T. under another scheme efforts are made in settle all the cases pending in certain villages in various districts on reconciliation and compremise.

not only the courts are lesser leaded with arrears of cases but even the casts of the litigants are lessened. Sattlement of cases on the basis of reconciliation and compromise helps in creating amicable admosphere between litigants and they are freed from the hazardous of appeals, revisions and execution procedings.

Through legal literacy camps and Lok Adalats, a large number of people have been benefitted and the

persons eligible have been given the facility of free lawyer and a part of costs to be incurred on litigation is also provided to them. In the year 1991-92, 41 legal literacy camps were erganised in remote area of 25 district in year 1992-93, 51 legal literacy camps were organised in 27 districts and in the year 1993-92; 56 legal literacy comps were organised in the different disfricts. 1

Lok Adalats have also organised at high court level. In 1993, 275 motor accident claim's appeals were settled through reconciliation in Lok Adalatin the homble high court of Allahabad and in Lucknow Bench, the disposal was of 209 motor accident calims.

In all, 484 appeals were Settled.

In 1994, 89 Motor Accident Claims of Appeals were settled in Lok Adalats held as Feb 6, 1994 and March 5, 1994 in the promises of High Court of Allahabad.

^{1.}Legal Aid News Letter Oct. 1993 March 1994 p.4 2.Legal Aid News Letter April 93 Sep- 1993 3.Legal Aid News Letter; Oct 1993 March- 1994

Two cells have been Set up at Board level in U.P.— One cell provides advice and assistance in matrinionial cases and the other is working as Grievance cell providing assistance to large number of people in important cases. Settlement of certain cases was secured by Matrinonial cell and similarly through Grievance cell the assistance required by the agfrieved persons was provided by contacting the concerned Departments of the Government.

Due to the efforts made by the Matrinconial counselling cell set up under the Board many such cases have been settled which were very complicated and sensitive in nature and if they had not been settled on reconcilliation and compxommise the same would have cached High Court.

In family cases too, the Lok Adalats are being organised by the support not only of judicial officer but of social activist also settlements of @ family cases are being organised tried.

1.Legal Aid News Letter, Oct 1993-March 1994

The cases of certain other types are also proposed to be prought before Lok Adalats. Spede of work to bring the simple cases relating to back loan and the cases of land acquis stion. Compensation has been completed and it is expected that it in the coming years it may be possible to give practical shape to the job of settlement of suck cases. Further simple cases under succession Act and Municipality Act are also proposed to be settled through Lok Adalats. 1

During the period of 1981 to 1994 in U.P.

1673 Lok Adalats had been organised in which 17,02,

255 cases were settled. 15942 Motor Accdident claims

Tribunal cases were disposed of through Lok Adalats

where the amount of Rs. 53,45,04,87 was awarded as

compensation to the Victim fomilies.

1. Legal Aid News Letter-April, 1993-at 1993, p.8

2. Based on the information available with CILAS as on 31-3-1994, published in Legal Oct 1993- March 1994

D. 16.

Forformance of Lok Adalats In Bundelkhand Region
Of U.P.

In Uttar Pradesh, the total area of the District of Jhansi, Jalaun, Banda, Hamirpur and Mahoba is known, "Bundelkhand region of U.P." Mahoba had been a tahsil of the didtrict of Hamirpur which was declared as a new district in early 1995 by the Government of U.P. Not a single Lok Adalat has yet been organised at Mahoba. So far the study of the working of Lok Adalats in this area, We included Mahoba as a part of the district of Hamirpur. The districtwise analysis of the working of Lok Adalats in Bundelkhand region of U.P. is as follows:

The District Legal and advice Committee was established in 1985 in the district and first Lok Adalat was held on 19.9.85 in the Jhansi City, 34 Lok Adalats have so far been held all over the district, out of which 2 Lok Adalats at Mauranipur, Fachat Babina, Chirgaon,

MALLER DESIGNATION OF THE SECOND OF THE SECOND SECOND OF THE SECOND SECO

Baruasagar, Gursarai and Moth and 27 at Jhansi, the district headquater. In those Adalats 32554 cases out of 43586 cases have been settled. The following table shows the yearwise figures:

Thable-X 1

events bastle gatility extent extent	Night date sping twee shield dated still spine	esting leader throat leater, resident leaters	Assert district delicto incide directs
year	No of Lok Adala	No.	o of cases
con title file man star		Proposed	settled
9000 1985	1	1806	1297
1986	1	1010	867
1987	2	1516	1094
1988	1	803	346
1989	3	4514	3130
1990	5	6620	5999
1991	5	6418	4982
1992	2	2541	1831
1993	5	551 7	4338
1994	5	7447	4461
1995	4	5394	4200
Total	34	43586	32554

From 1985 to 1995 the numbers of cases settled by Lok Adalats were 32554, out of which 255 were matrimonial, 569 civil, 24450 criminal, 7052 revenue and 228 others. Rs. 974900-00 were collected as a fine and deposited in the State fund. The following figures (table-12) show an analysis of the settled through Lok Adalats hald in the district of share Jhasi.

Table-1

Yearwise Analysis of the Settled cases through Lok Adalats in Jhansi.

(1985-95)

Year	No.			Types	of the	cases	errin come staco	 Fine
	ala		tled ses Mai mone		Civil Crim- Reve- inal nue		118	an-
mes and mo	. Man (1)	n com sense since some		- exten exten week	ens man man m	to 1000 mas		us in Rs.
1985	1	1297	-	20	1178	107	***	•
1986	1	867	400	06	180	681	~	
1987	2	1094	esto	09	705	380	-	
1988	1	346	*****	-	132	214	****	***
1989	3	3130	18	02	2807	303	400	-
1990	5	5999	50	442	3787	1640	80	65582
1991	5	4982	53	42	374 7	1140	-	207026
1992	2	1831	22	06	1512	291	_	-
1993	5	4338	42	09	3139	1070	78	232056
1994	5	4461	52	26	3513	800	70	284351
1995	4 _	4209	18	07	3758	426	-	18585
Total	34	32554	255	569	24450	7052	228	974 <u>4</u> 00

Motor Assident Claims Tribunal Cases (MACT)

During the period of 1985 to 1995, 966 MACT cases were putup before the Lok Adalats and 392 out of then were disposed of and the amount of Rs. 3187185 was paid as Compensation. The details of MACT cases are as follows (Table—3).

Table-3

The Statements of Motor Accident Tribunal Cases through Lok Adalats in Jhansi and Quantum of Compensation awarded therein.

Year	No. of MAC	T cases	Quantum of Compensat-
	Proposed	Settled	Awarded (in Ruppes)
1985-87	67	41	1083225
1988	40	21	3,80,750
1989	69	43	1077250
1990	50	30	800 500
1991	69	40	906100
1992	39	25	553500
1993	179	100	3596200
1994	221	51	1840750
1995	232	41	14490000
ALIEN COLD 19703 ALIEN	- 1650 1000 AND 0000 000	n 100 mm 100 mm 100 mm	
Total	966	392	11687275
*** *** ***	Action states which address of	to darks earlie darks earlie turks \$1000	

Beneficiarides-

During the afores aid period 38352 % who belong to the weaker sections of the society ## received free legal

aid Legal advice and legal Knowledge though Lok Adalats.

Out of those persons 11365 belong to Scheduled Castes, to

1886 to Scheduled tribes 9525 to backward clases and 13678 to

other classes. Out of the total number of the persons 2447

were women and children.

The yearwise details of the persons benefitted in the Lok Adalats in district of Jhansi are given below in Table 4:

Table-4

Year		of Setok led	S	C S	Ca T BC		men Ch	Benificia nil- Oth	
***** ***** ***			\$1000 MINES SHAW	PARTS - 1980	ton the		 nī	en er	
1985	1	1297	112	11	257	1		137	518
1986	1	867	484	47	402	39	S	789	1770
1987	2	1094	551	28	465	113	. 05		1422
1988	1	346	742	02	351	91	08	447	1641
1989	3	3130	2056	235	563	331	35		4529
1990	5	5999	1742	1891	857	517	70		6645
1991	5	4982	1513	2021	294	238	100		5210
1992	2	1831	408	32	521	79	08		1855
1993	5	4338	1132	02	1085	260	05		4455
1994	5	4461	1249	120	1302	457	03	2256	5387
1995	4	4209	1476	220	1372	245	05	1397	4615
Total	34	32554	11365	1086	95282	2447	248	13678	38352

We also receive the fact that most of the cases Settle by

Lok Adalats were criminal than revenue, then civil, matrimonial and miscellangeous.

The District of Jalaun-

The first Lok Adalat was held in the district of Jalaun at the district heard quarter Orai on 22.2.86 by the district Legal Aid and Advice Committee, which was established in 1985. 20 Lok Adalats have so far been held allover the district, out of which 1 at Konch, 2 at Jalaun. Tahsil and 17 at the district headquarter Orai. Till 1995, 13532 cases out of 18936 cases have been settledy through the Lok Adalats. The following table shows the yearwise details about Lok Adalats in the district of Jalaun.

Table 5

Year	No. of Lo	k Adalats <u>No. of ca</u> Proposed	ses Settled
1986	2	2156	1869
1987	1	2041	1417
1988	1	1110	873
1989	1	1516	1076
1990	3	2579	1990
1991	. * · · <u> </u>		
1992	2	2101	1359
1993 1994 1995 Total	$\begin{array}{c} 4 \\ 3 \\ -\frac{3}{20} \end{array}$	3879 2334 1220 18936	2126 1882 <u>940</u> 13532 -

The cases settled by Lok Adalats were of different types. Out 13532 settled cases 152 were matrimonial, 473 were civil, 7586 were criminal, 4201 were revenue
and 1120 were miscellaneous. Rs. 487377 was collected as a
fine deposited in the State fent.

The following table 8 Stows the Setalled analysis of the cases settled by Lok Adalats in the different
years.

Table-6

Yearwise Analysis of the settled cases through the Lok Adalats

(1986 - 95)Year No. of the Types of the cases Fine in Settled in Rs. Matri Civil Crimi- Reve miseatcases moial nal nue tlamenus 1986 1869 -10 ---Total 13532

"我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们

Motor Accidect Claims Tribunals (MACT), Cases

During the aforesaid period 381 MACT cases were put up before the Lok Adalats is district of Jalaun and 181 out of them were disposed of. The amount of Rs. \$330975 was paid as Componsations. The detail of the MACT cases is as follows in the table-£7

Table-Z7

The Statement of Asettlements of Motor Accidents
Tribunal Claims through Lok Adalats and quantum
of compensation awarded therein-

Year 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995	No. of Proposed 31 18 25 35 98 56 47 35 46	the MACT	Cases Settled 8 4 17 12 52 - 81 21 18 18	Quantum of Compen-Desation awarded(inRs.) 1,60,200 88,000 3,87,230 4,28,000 9,84,500 1875500 784000 727545 896000
Total	381		181	6330975

Benefitted Persons

From 1986 to 1995, 28391 persond were benefitted through 20 Lok Adalats. Most of them belong to the weaker sections of the society. They received not only legal aid and advice but legal knowledge also. Out of these persons 5063 be-

long to SC, 103 to ST, 871 to BC. 13021 to other weaker classes and 860 to mindrities. Out of the total beneficiarics

The yearwise details of the benefitted cersans in district Jalaun who not available in the records of the district Aid and advice committee of the District Jalaun.

The above study shows that during the peroid of 1966 to 1995, The percentage of the settled cases through the Lok Adalats in the district of Jalaun was 71.4% (13532 cases were settled out of 18936). The number of the case fluctuatia in the different years. I t It became 1869 in 1986, 1917/87 873 in 1988, 1076 in1989, 1990 in1990,1359 in 92, 2126 in1993 1892 in 1996 in 1995. In 1981 not a single Lok Adalat was ergain organised.

The analysis of the cases settled in 20 Lok Adalats in the Jalaun district also indicates that most of the cases were criminal, then revenue, them civil and miscellaneous. The percentage of the MACT cases settled by Lok Adalats was 47.5% (181 cases were settled out of 381 cases).

More then twenty Eight thousand persons were benefitted through Lok Adalats in the aforesaid period.

Most of the persons, who were benifitted, belong to the backward classes and Scheduled castes.

The District Of Banda-

The district Legal Amid and Advice Committee

was established in 1985 in the district of Banda and first

Lok Adalat was held on 26.4.1987 at Banda city. 31 Lok Ada
lats have so far been held allover the district, out of which

7 Lok Adalats at Karbi, 2 at Attarra, 2 at Mataundh, 2 at

Baberoo 1 at man and 17 at Banda City. In these Lok Adalats

35173 cases out of 48768 cases have been settled till 1995.

The following table '8' shows they yearwise figures:
Table-8

Year No. of Lok No. of cases Adalats Propose 3.447

settled by Lok Adalats was 35173 out of which 122 were matrinconial, 331 Civil, 16689 Criminal, 16916 revenue and 1808 micillanious. Rs. 1837801 were collected as a fine and deposited in State fund. The following figures show an analysis of the cases settled though Lok Adalats held in the district of Banda:

Table-3

Yearwise Analysis of the Settled cases through in Lok Adalats in the district of Banda:

1 1							
* Year	No.of th Settled		Тур	es of th			Fine
		Matri	on Ci	vid Crim	i- reve	e Misa	
	cases	ial		nal	nue	scell	
1987 1988 1989 1990 1991 1992 1993 1994 1995	7207 2732 2319 2508 2508 2503 3447 3818 6355 8484	14 05 13 05 13 20 19	02 01 02 12 46 40 30	- 2990 599 1133 744 770 2329 2699 2391 3034	2967 2108 904 1515 1827 1039 1014 633	_ansous 182 18 268 242 - 20 45 226	_(in_Rs.)_ 58713 305501 65860 44745 48817 71524 109505 142307
***** ***** ***** *****	COM 1000 COM 1000 A				5181	202	990829
Total 3	35173	122	331	16689	1691 6	1908	1837801

Motor Accident Claims Tribunal (MACT) Cases-

During the afaresaid period, 966 MACT cases were put up before the Lok Adalats and 208 out of them were dis-

posed of. The amount of R_s . 8521433 was awarded as compensation. The details of the MACT cases is as follows (Table- I_0):

Table-10'

The Statment of Settlements of Motor Accidents

Tribunal Claims through Lok Adalats and the quantum of com-

Employed the contract of the c	,
Year No.or MACT Cases Quantum of Co	mpens-
Year No.or MACT Cases Quantum of Con Proposed Settled etion awarded	(in Rs)

1 5 0 1	NO.UL TING	1 64989	deguerum or comberse
TORONTO MARKON BUSINESS	Proposed	Settled	etion_awarded(in Rs)
1987	68	18	22000
1988	52	08	191890
1989	7 9	22	434500
1990	100	07	14800
1991	45	05	123000
1992	207	38	741170
1993	73	39	1194523
1994	204	37	4925500
1995	138	34	873250
400 MW 900	NAME AND ADDRESS OF THE PARTY	nega filiate engas estate entare etimo e	Maries Actività Actività Actività (MATA)
Total	966	208	8521433

Beficiaries

From 1987 to 1995, 47154 persons who belong to the weakersections of the society received free legal aid legal advice and legal knowledge through the Lok Adalats.

Out of these persons 7742 belong to SC, 571 to ST, 11586 to BC. 22254 to other classes and 1784 to the minerities. Out

of the total number of the persons benefitted by Lok Adalats 1208 were women and 246 children. The detail of the persons benefitted by Lok Adalats is given below (Table-1):

	lo.of AS	No.of Sellt ed ca ses		Catega	aries of	the b	enebi	ciar	ies
		ses	00						And a principle of the contract of the contrac
4007	MONEY SMOKES SHOW	ner Medica Indical Medic	SC 	ST BC	Women	Chil		ers	Minerity
1988	2 5 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	7207 2732 2319 2508 1343 3447 3818 6355 8484	661 23 324 767 25 7 315 407 810 4068 7742@	7014 15649	78 08 25 76 28 156 93 39 86 100 60 92 13 59 58 675	09 02 67 01 27 13 05 172	833 2584 1668 2812 1123 2300 3072 2828 6693	5 15 99 374 149 384 758	2363 3793 2324 4563 1967 3858 4583 5558 18145

The above mentioned analysis shows that during the period of 1985 to 1995, 35173 cases outs of 48768 were disposed of by 31 Lok Adalats in Banda. The percentage of the settled cased was 72.1%. The number of the cases fluctuated in the different years. It become 7207 cases in 1987, 2732 in 1988, 2319 in 1989, 2508, in 1990, 1843 in 1991, 3447 in 1992, 3818 in 1993, 2049 cases in 1994 and 8484 in 1995.

The analysis of the cases settled in Lok Adalats indicates that most of the cases were revenue, then criminal then civil and others. The analysis of MACT cases shows that the percentage of the settled cases in 31 Lok Adalat was 21.5% more than forty seven thousand person received legal aid and advice during the aforesaid period.

Most of the persons who were benefitted belong to Backward Classes and Scheduled classes. The number of the beneficiatias was maxium in 1995 and was in 1990. 1995 and was minimum in 1990.

The District of Lalitpur-

In the district of Lalitpur the district of legal aid and advice committee started to work in 1986 and first Lok Adalat was held at district headquarter. 30 Lok Adalats have so for been held allover the district in which 26074 cases have been settled. The figures given below in the table 2 show yearwise details of the Lok Adalats.

Table-RH

Table 17

Year	No.of Lok	No. of Ca	ses
	Adalats	Proposed	Settled
1986	2	3010	2207
1987	2	2912	2844
1988	3	4059	2449
1989	3	3817	2862
1990	4	5018	3109
1991	2	3316	2163
1992	5	3989	2304
1993	3	4111	3188
1994	2	4612	2167
1995	4	5904	2787
Table	30	40778	26074

The cases settled through Lok Adalats were of different types. Out of 26074 Settled cases, 189 were matrixonial, 196 civil,15118 Criminal, 10376 revenue and 195 miecellaneous. Rs. 605880, collected as a fine and deposited in State Fund.

The following 18' Slows the detailed @@@@ analysis of the cases settled bhough Lok Adalats in the different years.

Table 3'

Yearwise Analysis of the Settled cases through the Lok Adalats (1985-95).

Year		of	No.of			es of th	e casi	3 S	
	The Ada	e Lok alats	Settle cases	Matri monial		il Crimi nal	reve Nue	Mésc. elll enec	Fine
months alleger Appear	Office stages	900 600 500 man	Prints States Girls aga	da saans, siliaha akuab	COMP 400M (MICH	PERSON MARKET MARKET MARKET MARKET	negos demon megos	US -	(inRs.)
1986 1987 1988 1989 1990 1991 1992 1993 1995	2 2 3 3 4 2 5 3 2 4	2207 2844 2499 2862 3109 2163 2304 3188 2167 2781	18 12 11 16 19 23 24 18 27 21	25 13 19 20 30 25 14 10 15 25	1038 1740 1669 1770 1940 1010 1605 1690 1046 1610	1101 1060 730 1046 1100 1090 640 1450 1054 1105	25 19 20 10 20 15 21 20 25	570 690 500 632 500 620 512 680	058 033 068 015 285 095 076 204 654
Total	30	26074	189	196	15118	10376	195	6058	380

Motor Accident Claims Tribunals(MACT) cases

From 1986 to 1995; 394 MA&T cases were put up before the Lok Adalats in the district of Lalitpur and 212 out of them were disposed of. The amount of Rs. 58,45,880 was awarded as compensation. The details of the MACT cases are as follows in table 'if'

Table '14'

The Statement of settlement of MACT cases through

Lok Adalats and the quantum of compensation awarded therein.

Year	No. of MACT	Settled	Quantum at Compesation awarded(in Rs.)
1986 1987 1988 1989 1990 1991 1992 1993 1994 1995	35 46 26 38 34 41 40 41 43 50	15 24 16 12 14 28 21 23 25 34	127033 1165390 168654 229058 250098 123279 129068 120015 1283285 1141200
Total	394	212	5845880

Benefitted Persons-

through Lok Adalats in the district of Lalitpur. Most of them belong to backward classes and Scheduled classes. They also received legal aid and advice. Lok Adalats also provide a forum to educate these people. Out of those persons 8606 belong to \$C 859 to ST, 19778 to SC.1385 minorites and 12719 to other weaker classes. Out of total persons 905 were women women and 572 were children. The yearwise details of the Beneficiaries was not available in the records of district legal aid and advice Committee of the District of Lalitpur.

A detail study of working of Lok Adalats shows that during the afairsaid peroid, the percentage of the ,se-

ttled cases was 63.9%(26074 cases out of 40778 cases). The number of cases different years It became 2207 in 1986, 2844 in 1987, 2449 in 2862 in 1989, 3109 in 1990, 2163 in 1991, 2304 in 1992, 3188 in 1993, 2167 in 1994, and 2787 in 1995.

This analysis also indicates that mest of the cases were criminal, then revenue then civil and miscellaneoug. The persentage of the MACT cases was 53.8%.

More than 44 thousand persons were benefitted through the 21 Lok Adalats in the period of 1985 to 1995. Most of the persons belonged to the backward and scheduled cases.

The District of Hamirpur(in+cluding Mahoba)

Hamirpur is one the backward district of Uttar Pradesh and belongs to Bundelkhand Region. Mahoba was a tahsil of Hamirpur which has been declards is a separate district of U.P. So for the study of Lok Adalat we included Mahoba as a Tahsil of the District Hamirpur as no Lok Adalat has been organised at Mahoba.

The district legal Aid and advice committee started its working in 1985 in the Hamirpur district and first Lok Adalat was held at Maudaha Tahsil on 24.11.85. Twenty

Six Lok Adalats have so far been held all over the district, out of which 3 Lok Adalats at Mahoba, 3 at Maudaha, 1 at Rath, 1 at Charkhari and 18 at Hamirpur city. 17135 cases out of 27322 cases have been settled upto 1994. The following table. A shows the yearwise figure of Lok Adalat in the district of Hamirpur.

Table 'K'

Year	No. of Lok Adalats	No. of the	cases Settled
1985 1986 1987 1988 1989 1990 1991 1992 1993 1994	1 3 1 3 1 3 3 4 3 4	1004 4587 1405 3513 1203 3741 3530 3778 1754 280 8	557 2856 939 2517 836 2618 1986 2063 1146
Total	26	27322	17135

The above mentioned data clearly shows that 17135 cases have been settled though 22 Lok Adalats, out of which 43 cases were matrimonial, 327 civil, 10282 criminal, 5743 revenue and 770 other Rs. 910217 were collected as a fine and deposited in the state fund. The following figures show an

analysis of the cases settles though $L_{\rm O}k$ Adalats in the different year in the district of Hamirpur.

Table 6

Yearwise Analysis of the settled cases through

Lok A	dalats	in the di	strict	of Ha	mirp	ur (19	85-94)	
Year	No.of Lok Adala ts	No.of Settled cases	Ty Matri mal	pes of Civil	Cri- min	- Reve	Others	
FROM CORE PRO	T 2000 WHO COM	600% 600% 940% 1980 1980	F(1000 1000) \$400(6	Otto SSS Mass	nal	4005 4000 Appa		(in Rs.)
1985 1986 1987 1988 1990 1991 1993 1994 1995	1 3 1 3 1 3 4 3 4	557 - 2856 939 2517 836 2618 1986 2063 1146 1617	5 13 02 05 01 01 03 13	0 7 70 22 09 01	300 - 1 575 598 1271 619 1412 1397 1184 800 1126	210 658 123 1125 200 1115 534 806 342 630	15 496 209 66 10 16 32 63	4450 293350 25815 457560 21105 52985 9299 12057 113351 85030 83295
Total	26	17135	43	3271	0282	57/3	770	007540

MACE cases

During the last decade 274 MACT cases were put up before the Lok Adalats in the district of Hamirpur and 109 of out of them were disposed of. The amount of Rs. 7019000 was awarded as a compensation. The settle of the MACT cases in Amirpur as are as follows(table-1)

Table-E/7

The statement of MACT cases through Lok Adala ts

in Hamirpur district and the quantum of Compensation.

	No. of Lok Adalats	No.of MA	CT Cases	Quantium of compensation awarded (in Rs.)
codes others was	non enn enn men	Proposed	Settled	Ann con too con one con con con con
1985-8 1990 1991 1992 1993 1994 1995	8 8 1 3 3 1 3 4	57 02 43 55 42 53 22	27 1 23 30 17 11	261000 15000 4425500 722000 582500 653000 360000
Total	26	274	109	7019000

Beneficiaries-

During the period of 1985 to 1995, the number of the beneficiarics through Lok Adalats was 29737. Legal Aid, advice and knowledge were also given to all. Out of those persons 5395 belong to scheduled castes, 365 to Scheduled tribes. 9570 to Backward clases, 10939 to others. Out of total number of the persons, 1694 were woman, 898 children and 876 persons belonged to the Minoritics.

The details of thepersons benefitted in the different Lok Adalats in the District follows.:

Jable-0

Table-18

Year	Lok ec	ettl <u>Ca</u>	ST DC	of th	e benetr Child O	/es Mineratie	fine s in Rs.
	3 1986 4 2063 3 1146 4 1617	863 295 838 349 800 636 617 11 253 596	1385 18 338 51 1626 281 51 1322 44 1272 1019 26 780	190 9 49 4 192 18 52 2 184 14 186 8 289 11 178 29 132 79	15 15 15 809 3 1349 640 3 1787 661 1052 592	50 147 211 165 142 161	1223 5249 1558 9239 1397 4439 3094 3366 2000 3172

In the above mentioned period 17135 cases out of 27322 were disposed of through the 22 Lok Adalats in the district of Hamirpur. The percentage of the settled cases was 62.7%. We also sec a fluctuation in the figures of the settled cases in the different years. It became 557 in 1985, Nil in 1986, 2856 in 1987, 939 in 1988. 2517 in 1989, 836 in 1990, 2618 in 1991, 1986 in 1992, 2063 in 1993, 1145 in 1994, and 1617 in 1995.

In the MACT cases 91 out of 252 cases were disposed of during in 1995 and the last decade. The procentage of the MACT cases was 39.7% and Rs. 701900 was awarded as a compensation.

The number of Lok Adalats in the above years also fluctuated. More than twenty Nine thousands person's were penefi-

The transfer of the second section of the second

persons was in 1987 and the minimum in 1985. In 1986, No Lok Adalat was held in 1986 .

A Comperative Analysis of the role of Loke Adalats in the different districts of Bundelkhand Region of U.P.

After dicussing the working of Lok Adalats in the different districts of Bundelkhand region of U.P. seperately, It would be useful to analysis the performance of Lok Adalats in the Comperative way to soudy the role of Lok Adalats in the region.

After establishing the Committee for Implementation legal Aid schemes (CILAS) at the centre by the Government of India in 1980, State Legal Aid and advice Board were established almost in the every state of India including U.P. At the district lable Legal Aid and advice Committees were established under the chairmanship of the District and sessions judges.

Frequency of the Lok Adalats-

In the districts of Bundelkhand region of U.P.:

Jhansi, Jalaun, Banda, Lalitpur and Hamirpur (including, Mahoba), the district legal aid and advice Committees were estabshed in 1984 but their working started in the different years. The first Lok Adalat was held in the districts of Jhansi, Jalaun, Banda, Lalitpur and Hamirpur in the years 1985, 1986, 1987, 1986 and 1985 respectively. From 1985 to 1995, 141 Lok Adalats were held in allover the Bundelkhand region of U.P. in which 02 wereheld in 1985, 05 in 1986, 10 in 1987, 07 in 1988, 12 in 1989, 15in 1990, 12 in 1991, 18 in 1992, 19 in 1993, 18 in 1994, and 23 in 1995, 34 Lok Adalats were held in the district of Jhansi, 20 in Jalaun, 31 in Banda, 30 in Lalitpur and 26 in Hamirpur (including Mahoba).

The frequency of Lok Adalats in the different years is ditails about as follows in the table 1:

Table-15

Frequency of Lok Adalats in the Bundelkhand Region(1985-95)

Years Jhansi Jalaun Banda Lalitpur Hamirpur Total
(including Mahoba)

1985 1 - - 1 02
1986 1 2 X 2 X 05

1987 1988 1989 1990 1991 1993 1994 1995	213552554	1 1 3 X 2 4 3	2 1 2 2 2 6 3 5 8	2 3 3 4 2 5 3 2 4	3 1 3 1 3 4 3 4	10 07 12 15 12 18 19 18 23	
Total	34	20	31	30	26	141	

Fig 1 given at the end of this Chapter also clearly shows the frequency of Lok Adalats and fluctuation in the different years.

Analysis of the cases deposed of through the Lok Adalats-

During the period of 1985 to 1995, 1,79390 cases were put up before the Lok Adalats and 124468 were out of them disposed of.

In the district of Jhansi 32554 cases were sett
led out of 43586 were settled in 34 Lok Adalats. The number of the Settled was 13532 cases out of 18936 in 20 Lok Adalats in Jalaun. 35173 cases out of 48768 in 31 Lok Adalats in Banda, 26074 cases out of 40778 in 30 Lok Adalats in Lalitpur and 17135 cases out 27322 in 26 Lok Adalats in the district, of Hamirpur (including Mahoba).

The percentage of the settled was 74.6% in the district of Jhansi, 71.4% in Jalaun, 72.1% in Banda, 63.9% in Lalitpur and 62.7% in Hamirpur (including Mahoba). The percentage of the settled cases in the whole of the Bundelkhand became 69.3% during the aforesaid period. The number of settled cases became 1854 in 1985, 4943 in 1986, 15418 in 1987, 7339 in 1988, 11904 in 1989, 14442 in 1990, 11106 in 1991, 10927 in 1992, 15533 in 1993, 11700 in1994 and 18037 in 1995. The following table -2 and table-3 show a comparative analysis, in the Bundelkhand Region of U.P.:-

Table-20
Details of cases settled through the Lok Adala ts in the Bundelkhand Region of U.P. (1985-95).

	No.ofLok Adalats	No.of the cases put up before the LokAdalat	No. of sett- led cases	percentage of the Sett- led cases
Jhansi Jalaun Banda Lalitpur Hamirpur (includin Mahoba)	34 20 31 30 26	43586 18936 48768 40778 27322	32554 13532 35173 260 7 4 17135	74.6% 71.4% 72.1% 63.9% 62.7%
Total Ha	14100 80	1,79390	124468	69.3%

Fig. 2 given at the end of the Chapter also clearly shows the

above analysis:

Table-3-/
Yearwise details of the cases settled by Lok Ad-

alats in t	he Bundel	khand re	gion of	U.P. (1985-95)	
District Year	Jhansi	Jalaun	Banda	Lalit	- Hamir- pur(in cluding hoba)	Total Ma-
1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995	1297 867 1094 345 3130 5999 4982 1831 4338 4461 4209	1869 1417 873 1076 1990 - 1359 2126 1 882 940	7207 2732 2319 2508 1343 3447 3818 2044 8484	2207 2844 2449 2862 3109 2163 2304 3188 2167 2787	557 - 2856 939 251 7 836 2618 1986 2063 1146 1617	1854 4943 15418 7339 11904 14442 11106 10927 15533 11700 18037
Total	32554	13532	35173	26074	17135	124468

The pie diagram given at end of this Chepter in fig-3 clearly shows the above analysis.

Nature of The Cases

Different types of the cases were put up and settled before the Lok Adalats such as: matrimonial, civil, criminal, Revenue and miscellaneous (Labour etc.). Till 1985,

124468 cases were settled by the 141 Lok Adalats in the Buncotol
delkhand Region of U.P., which 761 were matrimonial, 1896 ci-

Rs. 4899470 were collected as a fine and deposited in the State fund. The details the different types of cases settled by Lok Adalats in the Bundelkhand Region is as Follows:

Table-22

Nature of cases settled by Lok Adalats in the Bundelkhand Region of U.P. (1985-95).

Name of the dis- trict	Nool Lok Adalat	No.of the t Settle@	Matrimo nial	Civi	l Crim		Misl- lacn eous	Fine (in Rs.
Jhansi	34	32554	255	569	24450	7052	228	974900
Jalaun	20	13532	152	473	7586	4201	1120	487377
Banda Lali t-	31	35173	122	331	16689			837801
put Hamir-	30	26074	189	196	15118	10376	195	606880
pur (in cluding Mahoba)	26	13135	43	327	10252	5743	770	993512
	ects have ever	Name which their space			-		_	
Total 1	41 1	24468	761	1896	74095	44288	34284	899470

The pie digram given in fig. 4 at the end of this chapter clearly shows the above analysis. The percentage of the Matrimonial cases was 0.6%, civil cases 1.5%, Criminal 59.5%, Revenue 35.5% and miscellanious case 2.7%. The following table 4 (B) shows the above details in Table24 (M).

Type of the Settled Cases	Percentage
00 at 100 and	and the core core are the core are the core and the core
Matrimionial Civil	0.6%
Criminal	1.5% 59.5%
Revenue Miscellaneous	35.5%
	2.7%

The Bar diagram given in the Fig. 5 at the end of this chapter clearly shows the above analysis.

During the aforesaid period 2981/were put up before the Lok Adalats.1102 were out of them disposed of in
the whole of the Bundelkhand region of U.P. The number of
the settled MACT case was 23 in 1986, 114 in 1987, 62 in1988,
89 in 1989, 104 in 1990, 96 in 1991, 135 in 1992, 200 in1993,
142 in 1994 and 137 in 1995. Out of which 392 cases were
settled in the district of Jhansi, 181 in Jalaun, 208 in
Banda, 212 in Lalitpurand. 109 in Hamirpur (including Mahoba).

The following figures given in table25 show the yearwise and district wise analysis of MACT cases settled by Lok Adalats in the Region.

2562262 <u>Table-24</u>

DistrictWige and yearwise details of the MACT

-258-

cases in Bundelkhand Region of U.P. (1985-95).

Dístri & Jhansi ▶ Year	Jalaun	Banda	Lalit-	Hamirpur (including Mahoba)	Total
1985 1986 1987 41 1988 21 1889 43 1990 30 1991 40 1992 25 1993 100 1994 51 1995 41 Total 392	8 4 17 12 52 31 21 18 18	18 08 22 07 05 38 39 37 34 	15 2024 16 12 14 28 21 23 25 34 -	27 27 01 23 20 17 11 10	23 114 62 89 104 96 135 200 142 137

The diagram given in Figure @@@@@ 6 at the end of this Ch-apter clearly shows the above analysis.

Compensation in MACT Cases-

1102 MACT cases were settled by the Lok Adalats during the period of 200 1985-95 in the whole of the Bundel-khand region and the amount of Rs. 33403563 was awarded as compensation to the parties.

The quantum of compensation awarded through Lok

Adalats was Rs. 287233 in 1986, Rs. 2620415 in 1987, @@@@@@

Rs. 1128524 in 1988, Rs. 2168808 in 1989, Rs. 2084898, in 1990,

Rs. 5577879 in 1991, Rs. 8619238 in 1992, Rs. 5202138 in 1993,

Rs. 8430080 in 1994 and Rs. 4719450 in 1995. The maximum compensation was awarded in 1994 and minimum in 1985.

The following figures givenin the table-6 show, districtwise and yearwise analysis of the compensation awarded by the Lok Adalats in the Bundelkhand region.

Table

The Statement of the Quantum of Compensation (in Rs.) awarded though Lok Adalats in the Settlement of MACT cases in Bundelkhand region of U.P. (1985-1995).

Distri- Jhansi	. Jalaun Banda	Lalitpu	r Hamir-	Total
ct Year			pur (includin Mahoba)	9
1985	Marin Sillion Silver Flydd Strick Magin Addin Arling Million	China deput pating angle Magar Magar	1700 6100 HINE HINE	realis selles effect effect electes
1993 3596200 1994 1849750 1995 1449000	160200 - 88000 22800 387230 191890 428000 434500 984500 14800 - 123000 18\$5500 741170 7840001194523 7275454925500 896000 873250	129008 120015 1283285 1141200	261000 - 15000 4425500 722000 582500 653000 360000	287235 2620415 1128524 2168808 2064898 5577879 8619238 5202138 9430080 4719450
STORE STORE MADE AND STORE STORE STORE	4000 mind \$4000 title \$4000 mind to		4000 Albeit Albeit Mills	

Beneficiaries-

During the period of 1985 to 1995, 187665 persons received free Legal Aid and Legal Advice through the 141

Lok Adalats allower the Bundel region of U.P. Most of the persons belonged to the weaker Acction of the Society. Out of those persons 38171 belonged to Scheduled Castes, 2984 to Scheduled tribus, 59172 to backward classes, 4825 to the minorities and 73611 to the other weaker sections of the society. Out of the total number of the persons benefitted by the Lok Adalats 6757 were women and 2145 are Children.

Lok Adalats also provided the legal knowlege @@

to these persons whoses cases were put up before the Lok

Adalats.

The datails of the beneficaries during the aforesaid period in the region XY as follows:

Table 26
(Details about beneficiarics)

(Traffica)	
Name of the No.of Lok Categorywise district Adalats Beneficiaries	
SC ST BC Others	Wom- Chi Mino
	en ldren rities
Banda 31 7742 57111586 23254 1 Lalitpur 30 8606 85919778 12719	447 248 - 38352 503 131 860 28391 208 296 1784 46441 905 572 1305 44744 694 898 876 29737
Total 141 38171 298459172 73611 6	757 2145 4825 187665

The pie diagram given in the Fig. 7 at the end of this Chapter clearly shows the above analysis@@@@@@ .

Categorywise percentages

The following table-7 shows the categorywise percentage of the beneficiaries:

Table27

Category	Percentage	
S.C.	20.2%	District Control of the Control of t
S.T.	: 1.5%	
B.C.	: 31.4%	
Women	3.5%	
Children	1.1%	
Others	2.5%	

Conclusion

In the whole of the Bundelkhand Region of U.P.

141 Lok Adalats have so far been held (till 1995). We see
a fluctuation in the frequency of Lok Adalats which is clearly seen in the diagram given in Fig. 1 at the end of the
this Chapter. We also see the district of Jhansi is on
the top by helding 34 Lok Adalats and the district of Jalaun
is at the last by holding only 20 Lok Adalats.

The number of the cases settled by Lok Adalats

in the whole Region is encouraging (124468 cases, Maximum cases were settled in the district of Banda (35173 cases) and minimum cases in the district of Jalaun(13532 cases). (See table 4(A)). But the percentage of the settled cases is the highest in the district of Jhansi (71.4%) and lowest in the district of Hamirpur (62.7%) (See Fig.2)

The above analysis also shows that most of the cases settled by Lok Adalats were criminal, then revenue then civil and miscellaneous. This fact is clearly shown in the pie diagram given in Fig. 4 at the last of this chapter.

The category-wise percentage of the different types of settled cases became as fallows: matrimonial 0.6%,
Civil 1.5%, Criminal 59.5%, Revenue 35.5% and miscellaneous
2.7%. (See Fig. 5).

The number of the MACT cases during this period (1985-95) seems not very encouraging. Only 1102 cases out of 2981 cases were settled through the Lok Adalats. The percentage of the settled MACT cases became 36.9%. Maximum cases were disposed of in the district of Jhansi and minimum in

the district of Hamirpur. We also see a fluctuation in the number of MACT cases in the different year which is clearly Gnown in the Fig. 6. Rs. 33403563 was collected as the Compensation in the whole of the region. The maximum Compensation was collected in the district of Jhansi and minimum in the district of Jalaun. (See Table 6).

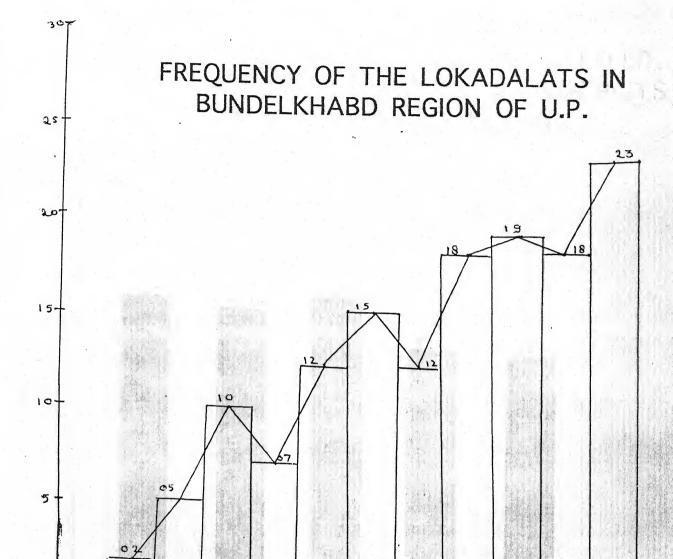
A large number of the poor and the downtrodden were benefitted through Lok Adalats, till 1995, in the whole of the Bundelkhand Region. Most of the beneficiaries belonged to the backward classes then Scheduled castes and other backward classes and the poor. (See pie diagram given in the Fig 7) The categorywise percentage of the beneficiaries is as follows: Scheduled castes: 20.2%, Scheduled Tribes 1.5%, Backward classes 31.4%, women 3.5%, Children 1.1%, Minorities 2.5% (See table-7).

In whole of the region L_0k Adalat benches presided over by a sitting or retired judge or an administrative officer who performs judicial work. M_0st of the conciliators

belonged to the law profession and then social worker and educationists. Most of the Lok Adalat were held in district headquaters. The number of Lok Adalats held in the interview parts of the region became very few.

not only the courts are lesser loaded with the arears of cases but even the costs of the litigaints are lessended.

Settlement of cases on the basis of reconciliation and Compromise helped in creating amicable atmosphere between the litigants.



YEARS

90

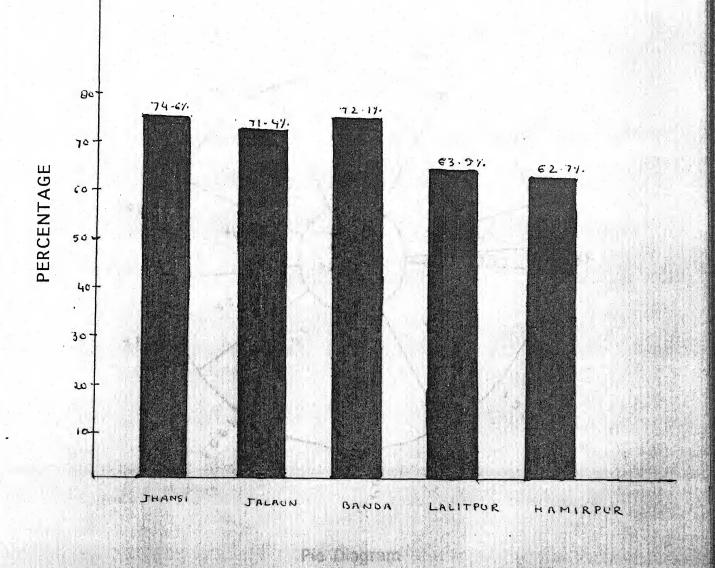
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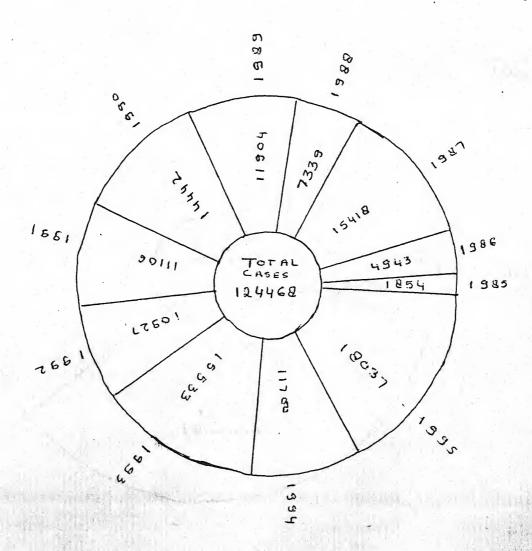
Fig.1

PERCENTAGE OF THE CASES SETTLED THROUGH LOK ADALATS IN THE DISTRICTS OF BUNDELKHAND REGION



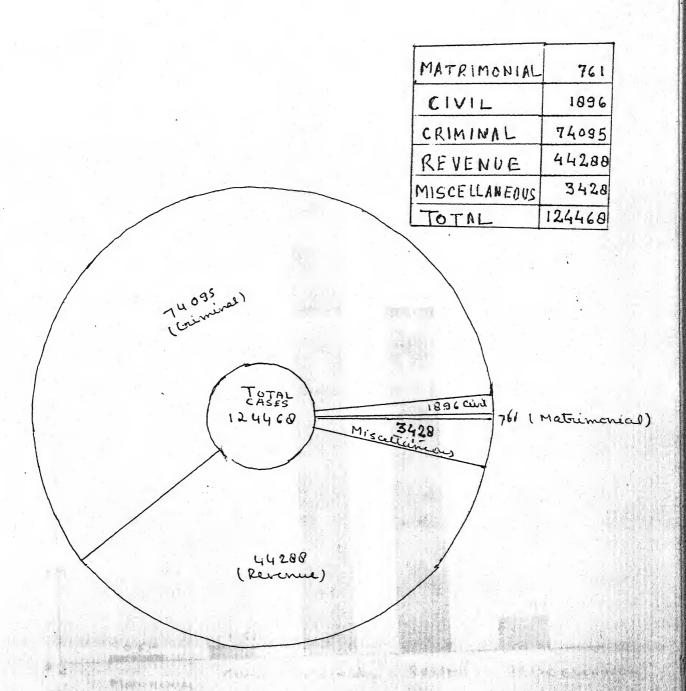
DISTRICT

YEARWISE DISTRIBUTION OF THE SETTLED CASES THROUGH LOK ADALATS



Pie Diagram

DISTRIBUTION OF THE CASES

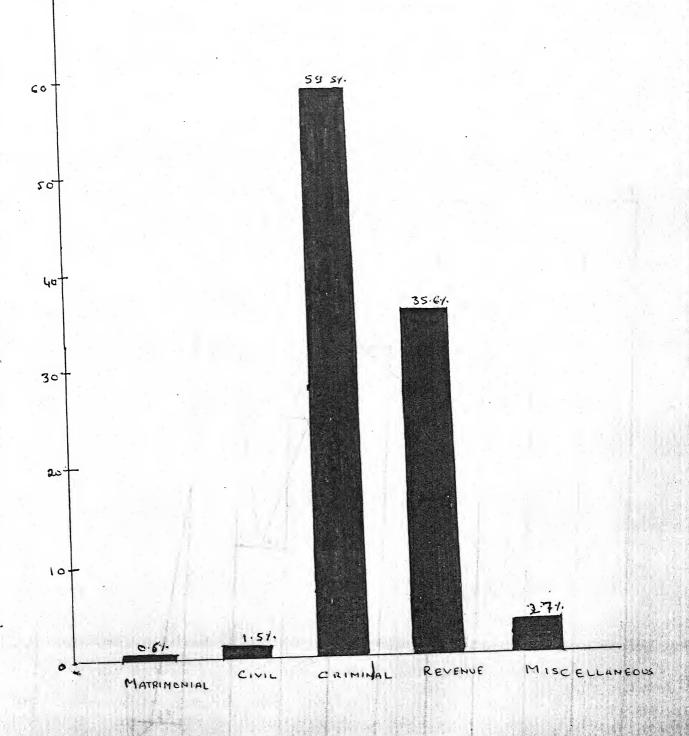


Pie Diagram

NATURE OF THE CASES

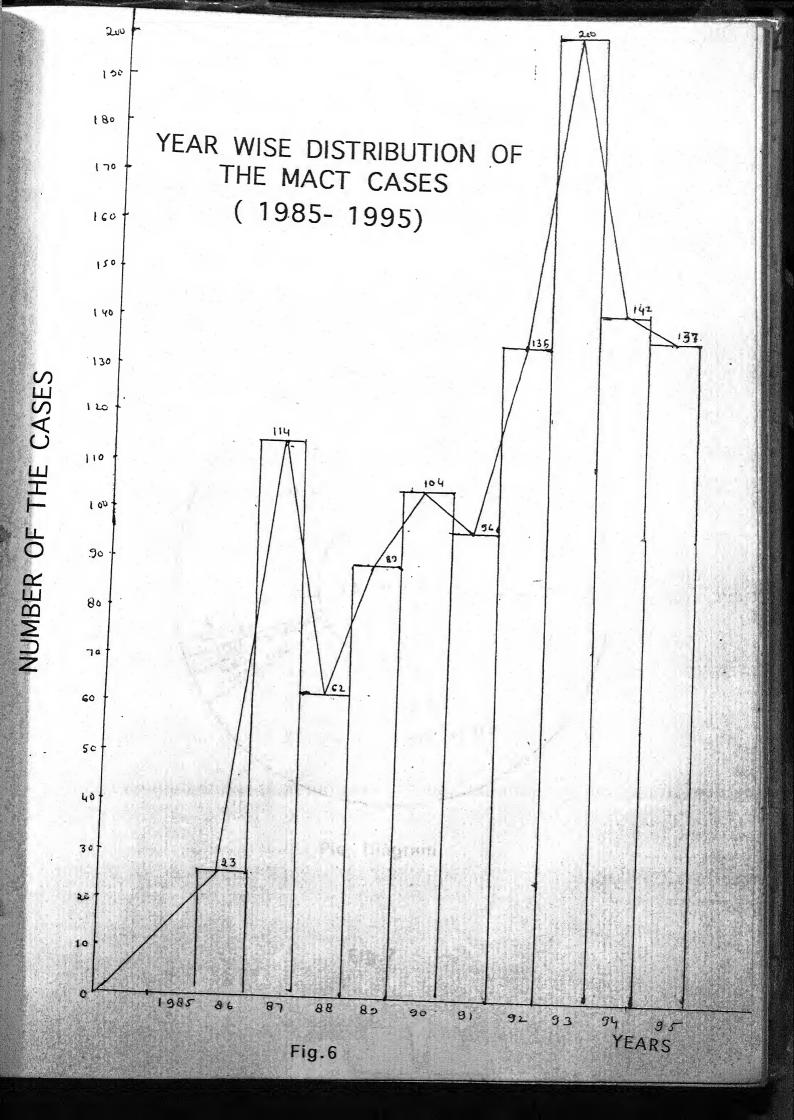
Fig.4

PERCENTAGE OF THE DIFFERENT TYPES OF THE CASES SETTLED THROUGH LOK ADALATS

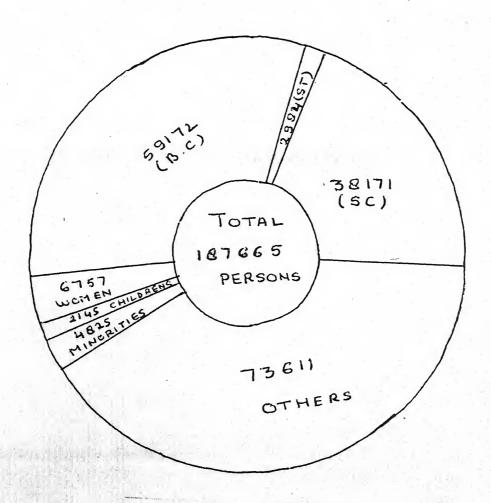


NATURE OF THE CASES

Fig.5



DISTRIBUTION OF THE BENEFICIARIES IN THE DIFFERENT CATEGORIES



Pie Diagram

CHAPTER-V GENERAL ATTITUDE TOWARDS LOK ADALATS

The emergence of Lok -Adalats in the realm of Indian Judicial System is an important development. Its popularity, success and usefulness has been proved beyond doubt even in a short span of time. The Judicial system of a society and its honest, impartial and fearless functioning is the barometer of a civilized and democratic Society. The judicial system is almost always hierachical: tapering upwards culminating in the highest appelate Court. It is always the Subordinate judiciary which has to resolve the disputes of all kinds: big and Small, important and unimportant. The overburdened subordinate Judiciary decides cases so slowly. that the entire judicial process becomes cumbersom $oldsymbol{\mathcal{E}}$ and expensive often rudcing justice to a farce. The nonresolution of conflicts, howscever petty, for pretty long periods keep kindling animois ty in the hearts of the millions of litigating public, and thus poses a thr-

eat to the peace and cordial relation in the society. Some legal reformers, social workers, members of the bench and the bar have been deeply concerned at the plight of Indian Judicial system, and have tried to inject some judicial activism in the System 1 Which mean that the several emportant groups attached to the judicial system take initiative to safeguard the rights of the public by fighting judicial battle on behalf of such people who may not be able to approach the judiciary for several reasons. Such judicial activists have also been worried at the plight of the poor litigants. who have to suffer for a long owing to the tardy and expensive judicial process. The concern and ankiety to reduce the plight of such people had given the idea of Lok Adalat where the petty disputes of all kinds are settled quickly, amicably and finally.

^{1.} Johari A.K.: Judicial Activism and Social Transformation, The U.P. Journal of Political Science, Vol 1, No.1 Jan.-June 1989, P.P.26-38

The Lok Adalats have been popular in India.

Good The success of Lok Adalats depends upon the Cooperation of the persons. Who play a vital role to
give it a practical shape. The attitude towards LokAdalats can be observed in two ways:

- To observe the impact of Lok Adalats on related persons and
- To study the opinion of the different sections of the society about the fuctioning of Lok Adalats.

Two attitude Scales were constructed each of which consist of twenty statements or items covering broadly the area of Lok Adalats. The Statements were written on the basis of newspapers edutorials, magazine articles and books.

The respondents belonging to the different groups had to respond in terms of their agreement or disagreement with the item in a five point continuum namely, strongly agree /agree/neutral/disagree/Stron-

AND STADERS

gly disagree. The responses were awarded scores as given Statements.

	Weightage positive	e for the Statemen t s	Weightage for the
Strongly Agree Neutral Disagree Strongly		5 4 3 2 1	1 2 3 4 5
Impact of	Lok Adalats	Sub- on related/Gr	couns:

The Group which was selected to observe the impact of Lok Adalats consits of Five main @@ Sub-gro-ups: Judges, Lawyers, Local Administration, judicial personnel and Litigants. Attitude Scale No. 1 was administrated for the above purpose.

The following instruction was given to respondents: "The present Scale is only to measure your attitude towards Lok Adalats. Read every statement carefully and put a (/) mark to one of the five responses indicating your choice. Please see that you make a tick mark for only one reply or choice. You have to reply to all the Statements. Don't leave any statement."

For the purpose of the present study some judges, lawyers, employees of the local administration, judicial personnels and litigants selected in the defferent districts of the Bundelkhand Region of U.P. The following table shows a detail of respondents of different sub groups:

Table-A

District-wise number of respondents of different sub groups (Scale No.1)

	Districts of The	No. of Respondents of different sub groups					
	Bundelkha- nd Region Of U.P.	oddyes	Lawyers	Member of Local Ad- ministra- tion	Judicial Personn . els	Litigants	
	Jhansi Jalaun Banda Lalitpur Hamirpur	4 5 3 3 5	25 25 15 10 25	15 15 05 05 10	10 10 10 10 05	10 15 10 10	
-	Total	20	100	50	50	100	

There were 20 items or statements in the scale
No.1 some were negative and others positive item No. 4,6,9,11,
14 and 16 were negative. Itemwise analysis of the scale No.1
On the basis of mean score, is as follows:

Item No. 1: "Lok Adalats have been helpful to reduce the huge arear of cases in the various Courts." The majority of judges and Lawyers strongly agree with this statement, most of the persons belonging to the Local and judicial administration agree and some litigants agree and some disagree. So the result is neutral.

Item No. 2: "The process adopted in the Lok Adalats is more convenient than the general judicial process."

Majority of judges, lawyers, and litigants strongly agree with this view. Persons belonging to the judicial administration agree but the members of Local administration are Neutral.

Item No. 3: I feel self-satisfaction and happiness to participate in Lok Adalats."

A large number of the judges strongly agree with this view, Most of the lawyers and employees of judicial administration agree but the persons belonging to the local administration and litigants

seem neutral.

Item No. 4: "To organize Lok Adalat is \$n inconvenient work."

The majority of the judges, Lawyers and judicial administration disagree with this Employees of Local administration and litigants remain new-tral on the basis of mean score.

Item No. 5: "To organize Lok Adalat is only to follow the directions of the higher Courts and authorities.

On the basis of mean score strongly disagree with this view Lawyers disagree. Majority of the judicial administration agree and most of the litigants and the employee of Local Administration are neutral.

Item No. 6: "To organise Lok Adalat in a holiday is a loss of a holiday. Therefore Lok Adalats should be organized in a working day."

Most of the judges, agree with this view, Law-

yers and members of judicial local administration strongly agree but litigants disagree with this

the result of these groups was neutral on the basis

Item No. 7: "In Lok Adalats cases are settled in a speedy manner. This affects the income of the lawyers."

The majority of judges, judicial personnels of disagree and some lawyers, litigants and members of litigants agree and some disagree on this Point so

of mean score.

Item No. 8: "Lok Adalats provide unexpensive justice to the poor and downtrodden." Most of the judges strongly agree with this view, lawyers and members of the pool administration agree and the majority of the litigants and persons belonging to Local administration neutral on the basis of mean score.

Item No. 9: "The attitude of lawyers has been Non-operative to settle the cases in Lok Adalats."

The Majority of the judges and judicial perso-

nnels disagree with the above Statement, Lawyers strongly disagree and most of the litigents and members of Local administration are neutral.

Item No. 10: "Lawyers fully co-operate to settle the dis

putes presented before the Lok Adalats." Judges

and Lawyers strongly agree with this statement

Persons belonging to judicial administration and

litigants agree and members of Local Administrati
on are neutral.

Item No. 11: "Lawyers bargain with the litigants to settle their disputes in Lok Adalats behind the Curtain."

The Lawyers strongly disagree with this statement, judges also disagree and the mambers of local and judicial administration and litigants neutral.

Item No. 12: "It is an extra burden on local administration to maintun law order in the promises in Lok Adalats."

Majority of the judges, lawyers and Judicial personnels disagree with this View Local Administration, and Judicial personnels strongly disagree and majority

of the litigants remain neutral on the basis of mean score.

Item No. 13: "There is no inconvenince in maintaing law and order in the premises where Lok Adalats are held."

Most of the judges, Lawyers and the members of Local Administration agree with this view. Majority of the judicial personnels and litgants remain neutral.

- Item No. 14: "Lok Adalats should be organized only in the premises of District or tahsil Courts." Majority of the lawyers and litigants personnel disagree but Judicial personnel agree with this view.
- Item No. 15: It is in the interest of the poor and the downtrodden if Lok Adalats are held in interior areas.

 Most of the Judges and Lawyers strongly Agree with
 this view. Judicial Personnel and litigants also
 nemained
 agree but Administration personnels neutral.
- Item No. 17: Lok Adalats have created many problems before the judicial administration."

Majority of the judges strongly disagree with this view, Most of the lawyers also disagree; other Sub groups remain neutral.

- Item No. 18. "To organize a Lok Adalat is only a wastage of the time and money." Most the judges, Lawyers and litigants disagree with this view and other two subgroups seem Neutral.
- Item No. 18. "If Lok Adalats are held in the interiors, it would be a problem for the administration to maintain law and order." Most of the Judges and Lawyers strongly disagree with this statement, Judicial personnel and litigants disagree and the members of local administration remain neutral.
- Item No. 19: "To provide legal aid and advice in Lok Adalats to the poor, is a difficult task." Most of the
 Judges lawyers and judicial personnels disagree with
 this statement. Administration personnels and litigants are neutral.

Item No. 20: "To manage the literature to provide legal lit-

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eracy in Lok Adalats is a difficult and expensive task."

Majority of the Judges, lawyers and judicial personnels strongly agree with this view. Litigants also agree but local administration personnels remain Neutral.

The above analysis indicates the views of the related Sub groups regarding the impact of Lok Adalats. In these sub groups judges and lawyers have a good academic amd legal base. Their way of thinking is different with the other. They are aware of the purpose for which Lok Adalats are introduced. They feel that Lok Adalats not only ruduce the burden of the various courts but also give a platform to settle their disputes in a healthy atmosphere. They feel happiness to promote Lok Adalats. Some Junior lawyers feel that speedy disposal of cases affects their income but most of the lawyers expressed totally different views. Their oppingon is in the favour of speedy disposal So that they may get the credit of the settlement which makes their good image in the legal profession

So the attitude of Lawyers and judges is more positive towards Lok Adalats than other Sub groups. The following table shows the Mean Scores of the attitudes of the different Sub groups on the basis of mean scores.

Table-8

Mean Scores of the different S	ub groups.		
Sub Groups Judges	Averageor Mean Score		
	76.58		
Lawyers	78.11		
Local Administration	60.74		
Judicial Personnels	70.63 64.89		
Litegants			
	THE SIGN STOP STOP AND ADDR STOP STOP		
Total	70.10		
tion and bear over the time tone tone tone tone			

The mean of the total group was 70.10% participate

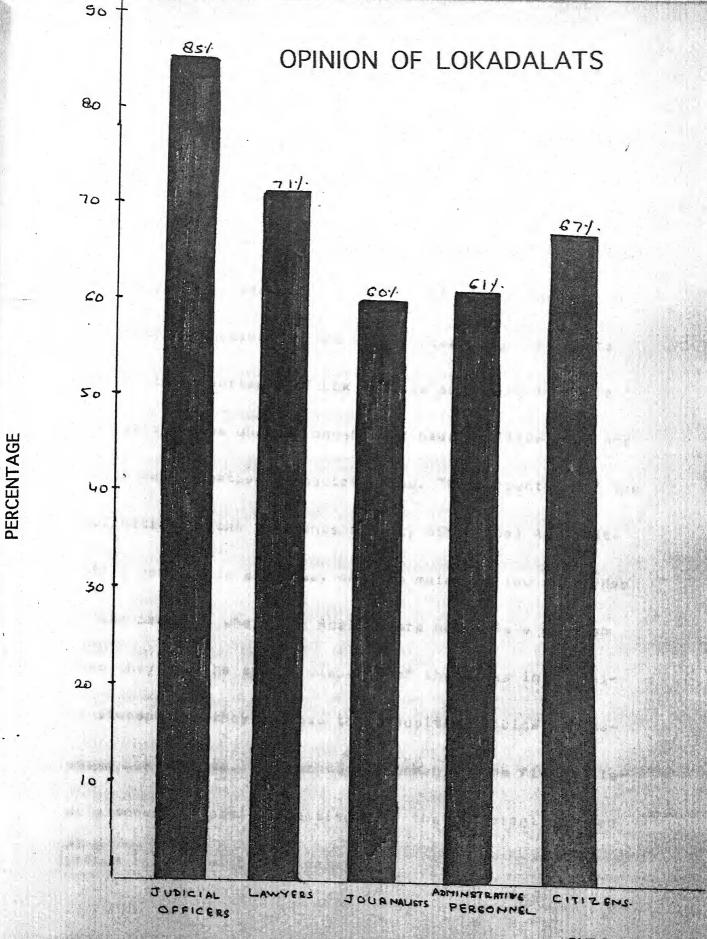
② Judicial personnels also participate in Lok Adalats. For them Lok Adalats are a routine work. They donot bother about the promotion or relevence of Lok Adalats. They feel themselves only a part of the judicial machinery which follows the directions of higher authorities. Some Judicial personnels feels that Lok Adalats have imposed an extraourden on

on the judicial work. Some are not ready to spend their proposed holiday for this purpose. Some feel inconvienience in maintaing the records of Lok Adalats. But in all a majority of judicial personnels accept that Lok Adalats have paid an important role to reduce the arrear of the cases and to settle the disputes in a speedy manner. The percentage of the inclination of Judicial personnels towards Lok Adalats is at the third place among all the groups related with Lok Adalats which can be seen in the following table.

Table- C

The perceastage of the inclinations Towards Lok Adalats of different Sub groups.

Groups	Pereentage	inlination to Adalat	wards Lok
Judges		77%	
Lawyers		78%	
Local Aministration		60%	
Judicial Personnels	Tank Property (Co.)	71%	***
Litigants		65%	S. SKO.
Total		70%	



SUBGROUPS

Fig.9

The mean of the table Group was 70%

The above table also shows the positive effect of Lok Adalats on all the related Sub Groups. The percentage of this effect the highest on Lawyers them on Judges then on judicial personnels. The impact of Lok Adalats on litigants is positive but not very encouraging. Litigants analyse the importance of Lok Adalats according to their interests. Those who are benefitted have positive view and others have negative or neutral view. The percentage of the inclination of the litigants is only 65%. Local Administrative personnels seem besy only in maintain law and order in the premises where Lok Adalats are held. As a citizen when they see the speedy disposal of the cases in a healthy atmosphere, they express their positive inclnation towards Lok Adalats. The Bar digram gemen in the fig. 9 clearly shows the positive attitude of the different related Sub groups related with Lok Adalats.

Opinions about Lok Adalats

The institution of Lok Adalats is a new innovation, in the sphere of public litigation. It operates on the principle that a settlement or Compromise is to be preferred between the parties. There is the enligantend participation of the members of the legal profession and of social groups under the supervision of judicial officers to ensure a fair settlement in Lok Adalats.

The present study is related with the role of Lok Adalats in the Bundelkhand Region of U.B. To seek the opinion about Lok Adalats from the differt sections of the society, the Scale/2 was administered which was in a questionaire form. The Scale consits of election thems related with the functioning of the Lok Adalats. These items were written on the basis of Jourals, Magzines, Articles, books and personal interviews.

The Sub Groups which was selected to seek the openion about Lok Adalats have five main Sub groups: Judi-

cial officers, Lawyers, Journalists Administrative personnels and citizens. The respondents had to respond in terms of their agreement or disagreement with the item or statement in a five point continum namely, stongly agree/agree/Neutral/disagree/Strongly disagree. The responses were awarded scores as given in the starting of this Chapter.

The following instruction was given to the respondents- "The present scale people is made only to medasure your opinion about Lok Adalats. Read every statement
carefully and put a tick () mark to one of the five responses indicating your Choice. Please see that you make a
tick mark for only one reply or choice. You have to reply
all the statements. Please don't leave any Statement."

For the purpose of seeking opinicon about Lok Adalats Some persons of the different of the Bundelkhand Region of mean Sub groups were selected. The following table
shows the detail of the respondents:

Table -IN

Districtwise Number of respondents of different Sub Group. (Scale No. 2)

Districts	Judicial officers	Lawyars	Journa- lists	Administra- tive parson- nels	Citi- zens
Jhansi	3	dates dates dates	ents date the ents tary	COOK STOP CHARL TICES SAME STOP SAME	diginal comp
	3	20	4	2	10
Jalaun	7	30	8	10	20
Banda	2	10	2	2	5
Lalitpur	3	10	2	2	5
Hamirpur	5	30	4	4	10
terms rises meta times people	-		-		10
Total	20	100	20	20	50

There were 20 items in this scale some were positive and some negative item No. 6 and 7 were negative. The itemwise analysis of this scale on the basis of mean score is as follows:

Item No.1: "Lok Adalats are helpful to solve the disputes amicably."

facts and leavest ourse with this bise, Justically a

A Majority of judicial officers and Lawyers strongly with this view. Most of the Journalists and ci tizens also agree. Administrative personnels are neutral on this point.

Item No.2: Lok Adalats save the money and time of the litigants. Most of the Judicial officers, lawyers strongly agree on the this statement. Jouralists also agree and administrative, personnels remain neutral.

Item No.3: Lok Adalats have been an effective way to provide prompt justice. A Majority of judicial officeers strongly agree with the above statement.

Most of the Lawyers aid citizens agree. A majority of journalists disagree and Administrative personnels, aggree seem neutral.

Item No. 4: "Lok Adalats have played a successful role to reduce social tension." Most of the judicial officers and lawyers agree with this item, Journalists
disagree and most of the administrative personnel

and citizens neutral on this point.

Item No. 5: Lok Adalats have been more successful to dispose motor Accident Claims cases."

Most of the Judicial officer, Lawyers, Journalists and citizens strongly agree with this view and Administration personnels are neutral.

Item No. 6: Junior Lawyers have no interest in Lok Adalats.

Most of the Judicial officers and lawyers strongly

disagree. Amajority of citizens also disagree, Jou
rnalists agree and Administrative personnels are

neutral on this point.

Item No. 7: "Lok Adalats are nothing but a drama or formality." This is a negative Statement. Most of the Judicial officers strongly disagree, Lawyers and citizens were also disagree and Journalists and administrative Personnel remain neutral with this statement. Though journalists and citizens supported this statement but their number was negligible.

Item No. 8: "Lok Adalats have been more successful to settle revenue and light criminal disputes."

The majority of judicial officers, Lawyers and Citizens agree with this. Journalists and Admini-strative Personnels remain neutral on this state-ment.

Item No. 9: "Lok Adalats have not been successful to solve the disputes of serious nature."

Most of the Judicial officers lawyers and Journalists agree with this view. Citizens and Administrative Personnels are Neutral on the balsis of
mean score.

Item No. 10: "The main weakness of Lok Adalats is the absence of strong legal base." The Judicial off-icers, Lawyers strongly disagree with this statement. Journalists agree and citizens and Administrative Personnels are neutral.

Item No. 11. "The process of the selection of conciliators

in Lok Adalats is defective."

Most of the Judicial officiers strongly disagree with this view. Lawyers, Journalists and Citizens express the consent with this. Administrative Personnels remained Newtral.

Item No. 12: "Lok Adalats is a way to achieve the goal of social justice."

Item No. 13: "Lok Adalat is a forum to promote legal literary." A large number of Judicial officers and law-yers strongly agree with this items, Administrative, personnels and Journalists and Citizen seem also agree.

Item No. 14: "Lok Adalats have encouraged an effective consciousness among the poor and downtrodden to find justice." Most of the Judicial officers lawyer Jounalists and citizens agree with this view. and Administrative personnels are neutral.

Item No. 15: Lok Adalats should be organized in every district at least once a month . A large number of Judicial officers and Lawyers and Journalists citizen, agree with this view while Administration is neutral.

Item No. 16: "Government is not serious to strength the sanctions for organising Lok Adalats." Most of the Judicial officers completely disagree with this view, Lawyer Journalists were agree and Administration Personnels and Citizens reamaind neutral on this point.

Item No. 17: "Most of the people are not familiar with the Lok Adalats.

Judicial officers, Lawyers Journalists and litigants agree on this wiew, Administrative personals remained neutral.

Item No. 18. "The figure of the settled cases shown in Lok

Adalats is often found false."

A majority Judicial officers strongly disagree with this @@ view, Lawyers also disagree Journalists, Administrative personnels and citizens remain neutral.

Item No. 19: Press has played a positive role to strengthen Lok Adalats.

Most of the Judicial officers, lawyers and Citizens agree on the this point while journalists strongly disagree and Administrative personnels remain neutral.

Item No. 20: "To maintain law and order erfer in the premises of Lok Adalats, is a Challange for the Local administration." A majority of judicial officers, Lawyers, Journalists and Citizans disagree with this. Administrative personnels strongly agree with this point.

The above analysis shows that the opinion

of Judicial officers and Lawyer is positive towards Lok Adalats. These are directly related with the functioning of Sub groups Lok Adalats. They feel Lok Adalats have paid a vital role to provide justice at the door step. Lok Adalats not only save the time and money of the litigants but also create a healthy atomosphere between the parties. Different types of disputes have put up before the Lok Adalats and Lok Adalats disposed of all types of a cases preferable MACT cases, revenue and light criminal cases. The Role of Lawyers have been very important in the success of Lok Adalats. The process of the selection of the conceliater is not sufficient. Some social workers, educationests and Law students should, be included as conciliators. The avarage or mean of attitude of these Sub groups is positive which can be seen in the following table: Table-E Average or Mean Scores

Judicial Officers 84.69
Lawyers 70.74
Journalists 59.57
Administrative Personnel 661.22
Citizen 67.38

Total 68.72

The mean of total group is 68.72.

Journalists are the most Vigilant group of the society. The respondents of this group also show this fact. Judges and Administrative personnels did not speak a single word against the Government but the journalist raised the minus- points of the Government in this direction. They feel that Supreme Court of India is more active to strengthen the Lok Adalats than them Government of India and the State government. The concept of permanent Lok Adalats is not accepted by the respondents because the organisation of Lok Adalat depends upon the number of pending in various courts. The percentage of the attitudes of different sections of the society is as follows which is in positive direction.

Table-F

The Attitudes towards Lok Adalat: The percentage of the different Sub-Groups

Sub Groups Percentage of the positive attitude

Judicial Officers 84%

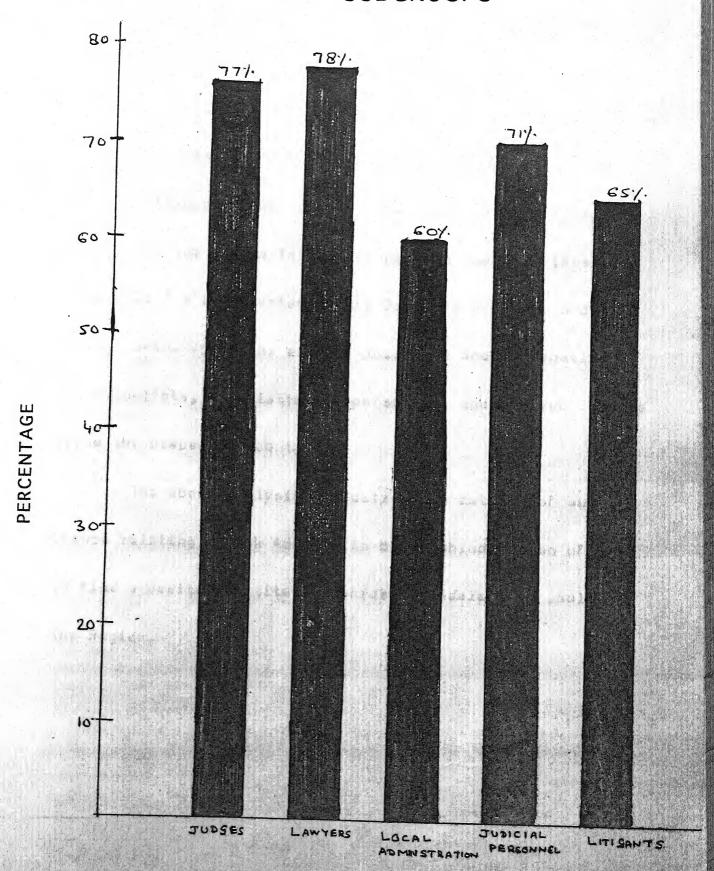
Lawyers 71%

Journalists Adiministrative Personels Citizen	60% 61% 67%	
Total	69%	

The pefcentage of the total group remains 69% which shows the positive attitude towards Lok Adalats of the Sub groups. The above analysis also shows that the Administrative personnels have mininum to say anything about Lok Adalats in Comparison other Sub-groups. The Citizens in general have no interest about organisation or functioning of Lok Adalats. Their outlook is newtoral. This indicates the lack of publicity about the institution of Lok Adalats in the society the absence of legal literacy. The Bar diagram given in the fig-9 shows a clear picture of the attitute of the different Sub-groups towards Lok Adalats.

A detailed analysis of the above mentioned attitude of the different sub-groups related to the Lok Adalats and some important sections of the society. The average percentage of the total group regarding the impact of Lok Adalats remains 70%. The inclination of the Judges, Lawyers

IMPACT OF LOKADALATS ON RELATED SUBGROUPS



SUBGROUPS

and Judicial personnel, above the average percentage and the inclination of the Administrative employees and liti-gents seems below the average percentage.

The opinion of the different Sub groups in general is in the favour of Lok Adalats. The total avarage percentage of the sub groups in view of opinion about Adalats remains 69%. The inclination of the Judicial officers and Lawyers seems above the average pecentage and inclination of Journalists, Administrative personnels and citizen remains below the average percentage.

The above analysis indicatres the outlook of subGroups relating to Lok Adalats in Bundelkhand Region of U.P.
We find a positive attitude towards Lok Adalats in whole of the Region.

CHAPTER-VI ASSESSMENT OF LOK ADALATS

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ASSESSMENT OF LOK ADALATS

All over the world India is known for its Constitutional democracy and its democratic institutions. Our democratic values are rooted in our ancient traditions.

A Democracy is implies the Rule of Law. The Rule of Law is, indeed, the Supreme principle of a democratic society. It is the fundamental guarantee of equal justice.

The Contitution given to us by our founding fathers contains the promise of equal justice for all classes of Citizens. Article 39-A specifically directs that the State shall secure that the operation of legal system promotes justice, on a basis of equal opportunity, and that it shall, in particular, provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Those who belong to the poor and the weaker sections of the society are in need of speedier avenues of justice and greater opportunities of securing it. The rich have the stamina and the staying power which comes from

money. The poor must depend upon their slender resources to be able to live from day to day. All the laws enacted for their benefit and protections lose meaning if they are unable to obtain access of justice. There is a pressing need for a system of adjudication which will assure speedy, effective and ready justice for the poor.

There are areas of litigation and categories of cases which land themselves readily to simpler procedures than those we have accustomed to. The need to recognise their relevance has become increasingly greater with the overwhelming accumulation of pending cases at every level of the judicial hierachy. Increasing legislation, Complex socio-economic problems, and an expanding right-conscious pepulation have contributed in creating severe pressures on the courts, and there is a growing awareness to find new solutions to these problems,

The Committee for Implementing Legal Aid Schemes (CILAS) was constitued by the Government in 1980 to im-

plement and monitor legal aid programmes on a uniform basis throughout the Country. The programmes ¿@volved by it have been adopted by almost all the State Government and some of the Union Territories. A large number of the poor have been provided free legal aid, Lok Adalats are being organised at various places in the country for disposal of a large number of cases expeditiously, through the process of settlement between the parties. The institution of Lok Adalats is functioning as a Voluntary and Conciliatory agency is becoming popular in providing a speedier system for the resolution of simpler classes of disputes. In the editoral of Legal And Newgletter in 1990, the them Chief Justice of India Justice R.N. Misra expressed his views:-"One of the most convenient alternatives which supplements the existing system is the Lok Adalat where cases are disposal by Consent. Lok Adalats as a part of Legalid-system have been held almost in every nook and corner of the Country... Lok Adalats are not formal Courts as they are organised by the legal aid committee with the support of the local bar, prominent Citizens, social activists and retired judicial officers. Cases are decided by consent and, therefore, there is no scope for Challange against the decision taken. Tension arising out of litigation is totally reduced and cordiality is restored.

Lok Adalat Culture is in keeping with the Indian tradition and, therefore, it easily Catches the imagination of the peaple and becomes an acceptable movement."

Former Chief Justice of India Justice R.S. Pathak also observed - "The Lok Adalats is a significant institution and when worked as it should be, in faith with its conceptual substance, it can prove substance it can prove a powerful aids in resolving the problems of heavy backlog of cases."

There are many advantages which flow from the

^{1.} Justice R.N. Misra in the editorial of Legal Newsletter, May-Aug 1990.

^{2.} Justice R.S. Pathak in the Inaugral Address at the 7th
Lok Adalat by the Delhi Aid and Advise
Board Delhi; Legal Aid Newslatter,
May-Aug. 1987. P. 3

adoption of Lok Adalats. It operates on the principle of a settlement between the parties, there are no winners and no bosers. And the conclusion of a happy adjustment between the parties promotes an atmosphere of mutual satisfaction conducive to an amicable future.

India is a poor country. It is also a vast country cocentry with a large majority of the people living in rural areas. Many of them live blow the poverty lime. There are sizeable segments of schouled castes and scheduled tribes living in object poverty. Poverty deprived them of those rights which they are emtitled to as citizens of a free country. It is through justice that they can hope to attain that to which they are legally entitled. Since law derives its Legitimacy through justice, it is essential that the justice delivery system is grouned to service the rights of such segments of society, if our utimate aim of social justice is to be realised. Lok Adalats as a part of legal aid programme try to fulfil this objective which is

our constitutional philosophy.

It is an expeditious mode of obtaining redress, and no question arises of prolonging the litigation by recourse to an appeal or revision. The enlightened participation of members of the legal profession and social action groups working in concert under the supervision of Judicatal officer makes truly creative arrangement.

So long as the tours cardinal features of a judicial proceeding are guranteed, that is to say, firstly, ensuring an awareness in the litigants of his legal rights and obligations, and secondly, promoting a settlement reached through the free and willing consent of the parties.

If the economic system so functions is to permit concentration of wealth in the hands of a fews at the Cost of the vast majority of our people, the poor and the underprivileged will continue to suffer. Therefore, unless the poor the underprivileged are made. Concious of their rights and entitlements it may not be easy to secure to them their:

due. It is, therefore, the bounden duty of the privileged and well to-do to reach out to the poor, and to dedicate themselves to the great task of converting that constitutional promise into the fulfilment of reality. Lok Adalats former chief Justice of India create the opportunities to teach the people. R.S. Pathak said once former Chief Justice, The entire movement, spreading across the nation through schemes of legal titeracy, Lok Adalats and other programmes, will represent a growing faith in the Rule of Law, help in dissolving traditional barriers between different social classes, and succeed in strengthening the foundation of our prided democracy. As different Social levels come together, in the willingness to help and in the readiness to accept that help , basic attitudes will change and a new society will be in the making."

Lok Adalats have caught the public imagination like the 'Alladins Lamp' as a means to secure speedy, cheap and substantial social justice. It is estimated that approxima
1. Legal Aid News Letter, May Aug. 1987. p. 4

2. Justice Gumanmel Lodha: Lok Adalats—the Alladin's Lamp. Patriot (New Delhi) July 7, 1987.

least 50 p.C. of them more than 5-10 years and Lakhs for more than 15-20 years. The existing fourtier system from Munsif Magistrate to Supreme Court becomes, in effect, multi-tiered by remand and revision; appeal from single bench to division bench or reference to larger or full bench in Volving at least 20p.C. of pending Cases, if not more.

Justice Looks says, "The net result of the above is prolongation of cases, at times for generation. As
example to illustrate the seriousness of the malady of delay was the Bettiah Raj case which was decided by the supreme court in third weak of April 1985, after two hundred
years from the date of the institution of the suit in trial
Court. It reached the high Court in 70 years and utilinately
the Division Bench Consting of Justice Murtaze Fazal Ali,
Justice A. Varadrajah and Justice V.B.Ejradi of the Supreme
Court decided it in April 1983. The world record for the
most protected Litigation is held by India-the final judge-

ment of a suit filed in 1205 AD was delivered by a puna.

District judge in 1986, after 761 years. The Lok Adalat

can sometimes decide such cases in a day and that makes at

the 'Alladins Lamp'.1

The institution of Lok Adalats, has therefore come as a boon in the Indiansociety in which the majority of litigants are poor and downtrodden. They can hardly afford to engage well-establised lawyers, nor can they afford to pay for expenses of a fourtier litigation. They also can met afford to wait 2-3decades, passing through the hardles from the munsif to the Supreme Court. The unending stream of tears of these sad litigants are challanges to justice delivery system of its utility. Lok Adalats have tried to restore-the shivering and shaking faith of the people in the system of justice.

The process adopted by Lok Adalats is called summary process in which the entire settlement are made by pur
1. Justice Guman Mal Lodha: Lok Adalats-the Alladin's Lamp

Patriot (New Delhi) 7th July 1987.

suation in the form of compromise, without recording in evidence or hearing arguments on law. "The institution of Lok Adelats had proved to be a pioneer for a speedier system of administration of justice. After getting a statutory support by the Legal Services Authorities Act 1987, It is felt the Lok Adalats would not only reduce the burden of arrears of work in regular Courts, but would also take justice to the door steps of the poor and the needy and make justice quicker and less expensive.

Role of Courts in Lok Adalats-

The Courts have very important role to play in the matter of organising Lok Adalats for providing free legal aid. No case can be settled in any Lok Adalat unless a judicial officer takes Keen interest to know the mind of the parties by spending some time. That can be a stage of pre-Lok Adalat. A study of the Bundelkhand region shows the judicial officers have positive attitude towards Lok Adalats. It is also felt, for the efforts by the judicial officer at the pre-Lok. Adalat stage which results

into disposing of the case before a Lok Adalat, he should be compensated for pending time by awarding units. In order to encourage Judicial Officers to spend more and more time on the settlement of cases by way of compromise, all High Courts be impressed upon to fix special units for the Judicial officers for the disposal of cases in Lok Adalats. It is also seen in the working of Lok Adalats that Judicial officer who belong to Judiciary is more sincere in spending their time for the settlement of cases than theose who belong to the administration.

Role of State Government In Lok Adalats-

A Study of functioning of Lok Adalats in the districts of Bundelkhand region of U.P. indicates that Lok Adlats have no role to play in non-compoundable criminal cases and litigation where State is the real party, as State functionaries are reluctant to yeight to panchayat persuation.

The zone of functioning of Lok Adalats is thus circumscribed to 25 percent of litigation only.

A voice has been raised at the various levels as to why the State Government which is responsible for the implementation of the Schema, to settle cases by amicable regotiations, is not coming forward to settle its own than disputes. There is nodoubt about the fact that more than 75% of the litigation pending in the Courts is by or against the State. The State has not set up any agency which may undertake to Settle the State litigation by way of compromise before the Lok Adalats. The reason generally given is that no individual officer is prepared to own responsibility to settle such disputes for obvious reasons of favouritism.

Role of Lawyers In Lok Adalats-

All the persons or, sub-groups related to Lok

Adalats accept that the co-operation of lawyers is most essential for the success of Lok Adalats. It is they, who are
required to persuade that in the interest of their clients

the matter should be settle before the Lok Adalats as they

would give immediately relief to their clients which may evade them for sufficient long period because of proverbial delays in the law Courts.

A Section of the legal profession Looks upon the Lok Adalats as a threat to their future. There is no real ground for such apprehension. A majority of lawyers of the Bundelkhand region feel that the profession of law is essentially a public service, and that lawyers by participating in Lok Adalats are doing that which the nature of their profession plainly requires. Former Chief Justice R.S. Pathak has expressed about the role of lawyers in Lok Adalats: "In any event, there will never be any dearly of work in the lawyer. As India develops in social and economic power and prosperity, new fields open up in the affluent sectors of business and Commerce offering an abundance of work for the legal profession."

Cases decided by Lok Adalats-

Many cases of Communal tensions and Village fewds
in which thousands of people are involved, have been settled

in Lok Adalats in allover the Country. The achievement in matrimonial disputes, compensation cases, petty civil, criminal or revenue disputes are indeed encouraging.

In the Lok Adalats quite a few institutional cases are also decided. By institutional cases we mean those cases where one of the parties is an institution. Such as a department of the government, municipality or a corporation.

In such cases a policy for resolving the disputes is evolved. In some revenue cases, there is nothing much to decide, yet they remain pending for several years as the officers concerned remain busy in the administrative work. When these cases are brought before the Lok Adalat, one or two panels of the Lok Adalat are able to decide as many as 500 to 700 cases in one day.

It may be emphasse emphasised that in Lok Adalats petty cases, small cases which are not hotily contested are taken up. Mostly, there are cases of poor people. But it may be added that rich people are not barred from coming to the Lok Adalats.

At all India level more than forty two lakhs cases have so far been deckided in which more than two lakhs are MACT cases and more the Rs. 500,00,00,000 has been paid as compensation. The Lok Adalats in MACT cases are preceded by one or two pre-Lok Adalat conferences with the parties and/or their lawyers. Sometimes cases are resolved in such conferences. But it should not be overtooked that not all cases are decided in Lok Adalats. In some cases parties do not cempromise. Then the case is sent back to the Court for regular trial.

Criticism regarding Lok Adalats:

Several apprehasions exist in certain quarters about the Lok Adalat System. One is regarding the active involvement of the HighCourt and suberdinate judiciary. Some say that it lowers the image of judiciary. But this is hardly a criticism. Association of Judiciary people with the people brings judiciary in respect and estemts people are coerced or coaced into a compromise. This is also not true. May be, occasionally, over enthusiasm on the part of certain

officials, judges and members of the local Regal Aid Committee may tantamount to forcing settlement between the parties which might be re-opened in courts, alleging coercion and malafides on the part of conciliators. The experience in Bundelkhand region is that so far no case has been reopened on any such basis.

Even those who are not opposed to the Lok Adalats

System appear to be baffled by the number of cases, resolved in Lok Adalats. They often pose the question: how is it possible to decide so many cases-500 or 5000- in one day in Lok Adalats. While all the sub ordinate courts of law are not able to decide even 100 cases in one @app day? This needs explanation. Actually Lok Adalats donot decide cases; they merely resolve them by persuading parties by explaining to them the advantage of compromising the case, with the result the entire dilatory procedure of adversial litigation is by passed. Secondly, in fact they are not resolved in one day.

Behind Lok Adalat, there is one month's home work, what has

been termed as pre-Lok Adalat conferences, in which perties are approached by the legal aid teams and discussions about the pros and cons of the case take place. If parties agree the dispute is compromised.

In MACT cases, it is said that in a Lok Adalat resolution of dispute is on the basis of give and take. No one would deny that this is the basis assuption in every compromise. It is commonaknowledge that in MACT cases the principle and rules of compensation have been evolved with certainty and are well settled. There is a multiplier cases in Lok Adalats are resolved on that basis. A policy is made with the consultation of higher Judicial Authorities. The representatives of the Insurance companies have been told of the social obligation of the ensurance companies.

The Lok Adalats have created a serious problem as regards the monitoring of their functioning. Some lawyers and citizen criticised the way inwhich Lok Adalats are inaugrated. Former Chief Justice of India Justice R.N. Misra has

accepted, "Lok Adalats have been rightly accused of having two much of pomp and show. Organisers unnecessarily insist on having the Chief Justice of India or other Justices every time to inaugrate Lok Adalats."

It also bound that some Court officials, in their zeal for numbers pulled out of Courts cases which were
on the verge of settlement, and put them before Lok Adalats.

A more serious problem to which little attention seems to have been paid is the criteria for taking up cases from the Motor Accident claims Tribunal for settlement in Lok Adalats, running without the sanction of any law. It would have been logical for the official legal aid and set up the poorest of the poor. That is not done, Consequently, theers is today a serious danger of official legal aid and becoming middle class legal aid with a general drift to the higher middle class.

^{1.} Justice R.N. Misra's speech at the orcasion of the inaugration of Lok Adalat in Rajasthan High Court, Times of India (ND), Nov.8, 1987 p. 8;

is to whether it is just to make the claimants settle for a lesser amount in Lok Adalats when legally they would be entitled to more. The poor will invariably, take any amount given to them regardless of their legal rights since they need money for their very survival. The middleclass businessman will also accept a lesser amount in terms of opportunity Cost of money for his business that is available today instead of money that would come a decade later.

It is also to take off the pressure for judicial reform at the lowest level by using the Lok Adelats as a siphon for quick settlement contrary to legal claimants under the Motor Vehicles Act. One of the biggest disadvantages of the Lok Adelats is that unlike in a Court of law a claiment connot argue on the basis of legal criteria laid down in the Act itself for a claim higher than the one he has originally filed in the tribunal.

The most damaging aspect of the Lok Adalats is that some reforms which could be ensure real justice in the district

Courts have been avoided. Today the work units prescribed by the High Court for the district judiciary are absolutely discouraging for conciliation. A judicial magistrate is awarded no unit of work for conciliating motor accident claims, matrimionial, rent, property or criminal offences which are compoundable. He also gets no unit of work for the recording of evidence even though this is the entire basis for the decision and the subsequent stages of litigation. Instances of this can be muliplied, but the point remains that Lok Adalat seems to be deverting attention from the actually needed reforms in the district court like having a registry and computerising their records. It is not understandable as to why the civil procedure code to provide statutory power for conciliation to the courts themselves. 1

People are being told by the lawyers and the judiciary that it takes time and money to get redress in a Court
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lained immediately through the Lok Adalats- This according to critics amounts to a confession of the inefficiency of the existing courts and it is not proper particularly for the members of the bar and the judiciary to denigrate the existing judicial system.

It is also said that the work of the members of the bar is affected adversely by the institution of Lok Adalat.

In order to show that Lok Adalat is a success cases are manipulated and a large mumber of cases is shown as being the subject of compromise. In their anxiety to get some compensation quickly people are cajoled or pressurised to accept meagre compensation out of proportion to what they are entitled.

It is also asked why not the same procedure be adopted in the Courts themselves by the presiding officer with the help of the members of the bar instead of having another institution called Lok Adalat?

It is seem that central and State Governments donot

come forward to settle their cases through Lok Adalats. This creates a somewhat paradoxical sétuation since the State Legal Aid Boards or Committees are financed by the State Governments. It is at times embarrassing when questioned why the Government does not Show confidence in a system it is financiang. When Insurance Companies and now even Banking Institutions are coming forward to settle their cases, it is difficult to understand the reluctance of the Government.

Former PrimemiMister Late Sri Rajiv Gandhi said at Lawasia conference that the word Lok Adalat was a misnomer. It is neither run by people nor does it have any distipline of the Court. 2

After discussing the above criticismos with the member of Bar and others, in the different districts of Bundelkhand Region of U.P., some views are received which are as follows: -

^{1.} Justice A.M: Ahmadi, present Chief justice of India, in Se-minar on Legal Aid, at Hyderabad on 14th&15thSep. 1991; Published in Legal Aid Newsletter, July-Dec.

^{2.}Krishna Mahajan: Neither Lok Nor Adalat; Hindustan Times New Delhi; Oct 25,1985.

A majority of Lawyers and judges assured that the litigants are being told that it is not true that the @@@ liti gants are being told that it is not possible to get justice in courts of Law and, therefore, they take advantage of Lok Adalat and have the matter settled amicably. Their view was that the litigants were merely encuraged to have the matters settled out of court with the help of the conciliators and their counset. The Lok Adalat was being used only as a supplement to the ordinary courts of Justice and not @@@@@@ derogation of such courts. As the lawyers were interested not only in cases which they were trying to settle with the help of Lok Adalat but inother cases pending before the Courts it was unthinkable that they would denigrate the existing judicial system as it is not in their interests to do

The allegation the litigants are being pressurised to accept meagre compensation out of proportion to what
they are entitled is not justified. It was informed that, for
instance, in settling claims for compensation under the Mot-

or Vehicles Act, certain basic principles enunciated by the High Court and the Supreme Court to arrive at compensation were being followed and the compensation was offered to be paid according to those principles. Therefore, the compensation ultimeately settled and paid represented the correct amount and not either the exaggerated claim put forward by some claimants or any inadequate compensation. Some judicial officers said that a persual of the stalistics showing the amounts of compensation claimed and the amounts settled and paid would show that the amount paid represented a represented a reasonable proportion of the sum claimed and was in accordance with the principles of compensation laid down by the highest courts.

Whatever may be position in other region of U.P. and even in other parts of India, I found that there was no trace of manipulation in the Bundelkhand region, of cases in order to show a greater disposal of cases by the Lok Adalat than was warranted.

The members of the bar demied that they were adversely affected by the Lok Adalat system. On the other hand, they said, they were able to get much more easily without going through the trouble of conducing the case for several months and years.

I put specific questions to some judges and senior lawyers whom I interviewed as to why the same procedure should be adopted in ordinary courts instead of having a sep. separate institution called Lok Adalats; The judge and lawyers can sit to gether and have the matter settled. To this the answer was that the atmosphere in the Lok Adalat is quite different from that in the ordinary courts. In the former, the conciliators and the advocates concerned sit in an informal way and are able to persuade the parties to come to an agrsement. In formal atmosphere of the Court, there is no incentive on the part of either the advocates or the litigants to come a settlement.

The Lok Adalats have created a sete serious problem as regards the monitoring of their functioning. As in the case of judicial corruption it is impossible to get any evidence in the legal sense because the concerned lawyear and insurance company are happy that the normal system goes on even under so called innovations. The concerned leg. al aiders are happy because like the anti-poverty programme statistical targets have been achieved. The claimants are happy that they have received some money in a sitution where court delays left them, with the prospects of no money for several years. In this situation of all round happiness ushered in by Lok Adalats there is a fear amongst the lawyers and some vigilant claimants against king being named anywhere vis-a-vis their description of what has actually transpired. It is more important to raise the issue how to ensure that the money under the compensation Act actually reached the correct The state of the state of the state of man or their families.

In order to give a statutory recognition to the Lok
Adalats the Legal services Authoritics Act, 1987, has been passed by the Parliament. Chapter VI of this Act as concerning
with the Lok Adalats. But the most important lacuna in

^{1.} Krishna Mahajan: Neither Lok Nor Adalat, Hindustan Times,
New Delhi; Oct 28, 1985.

ken up by the lok adalats wherin the parties make a joint application that they want a compromise or settlement upon such application the presiding officer of the Court Upon such application the presiding officer of the Court Upon such (or the district authority to which an application is made) shall pass an order transfering the case to the Lok Adalat. It is submitted that when parties have amongst them selves agreed to compromise or settle their differences or claims then they may as well do it before the presiding officer of the Court before which their case is pending. There we no point in going through the circutous route thereby involving duplication, wastage of time and resources.

Justice V.R. Erishna Iyer has pointed out some defects of this Act. He says: "Unfortunately, chapter dealing with Lok Adalats implicates judicial officers actively in the process. Will not litigants suspect prejudice and suffer co-croin in conciliation worse, what is contemplated im Chapter 1. Kusum: Success of Lok Adalats, Hundustan Times New Delhi, May 12, 1985.

6 is another kind of Court with a jurisdiction and jurisprudence of its own. Voluntary agencies and sponteneous lawyer response, social action groups and administrative officers are the best instrumentality. We are already sick of Courts and over-lawyered in litigation. A diatory machinery, which can hijack cares from the Courts in the name of cognisance by Lok Adalats and a stay of proceedings, defeats the whole purpose of speedy justice. **1

Justice Iyer so futher says:"It is strange that
while society is sick of the formalisms of the law Courts,
another foremise entrant is brought into the anarchic scene
with powers of summoning and examining witness, discovery
procedures and production of documents and all the parapheralia found in the robed court room. A disrobed ineffectual is no substite for a community conciliation movement.

The whole concept of popular settlements and voluntary agencies catalysing dispute resolution without the law are wrecked by chapter VI. Surely, there will be Cases against Lok
1.KrishnaAyer V.R: Legal aid with Strings;
Dacean Herald, Banglore, Oct-9, 1967.

Adalat awards and a new litigative Chapter and jaundiced jurisprudence will be the major contribution of the Authorities Bill."

The criticism against the functioning of Lok -Adalats are true to some extent. But some criticisms are, totaly false. In fact, it is the vested interests which say so many things to male in the programme and tell tales of deception and fraud to aggravate tensions and exploit the miseries of the people to their advantage. Sometimes lawyers are also misled by the propaganda that it will affect their earnings, while it is not so. The lawyers who are involved in this work enjoy much better reputation than others. In Bundelkhand region of U.P. it is found that with initial hasitation, the lawyers are now actively engaged in the legal aid work. Sometimes tirade against this system is carried on by the corrupt officials who become uncomfortable at close. screating of their work. Yet, the reality is that participation of people at all levels in judicial decision making th-1. IBID

rough Lok Adalat System help in the deprofessionaligation and de-mistification of law and judicial process since people's court enable people to resolve their disputes among themselves at their doorsteps through the participation of the people. Such decisions are better acceptable and more ending than the decisions rendered by the judge under the seal of the Court. Former Chief Justice of India, Justice R.N. Misra rightly said, "But Let not a few black sheep make you condemn the entire movement which is doing such a commandable job, by redupcing the burden of Courts and delievering speedy and inexpensive justice to people." 1

^{1.} Times of India, New Delhi; Nov. 8, 1987; P. 8

CONCLUSION

social terms of the section of the contract of the section of the

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In a society governed by Rule of Law it is essentiel that its members respect and obey the law. This can be possible only when the victim of the infraction of law receives the protection of the law otherwise it is but matural that the victim will try to evolve his own methodology of protection which may include include resorting to violence. No just @@@@@@@@@ government can expect adherence to its laws from those to whom it cannot extend the laws protection. Therefore, when members of a civilised society shun uncivilised modes for dispute resolution and agree to have their disputes resolved in an orderly manner through a mechanism offered by the State, there is an implied understanding that the said mechanism will be not only independent and impartial but willalso be in a position to resolve the dispute within a reasonable time. Mr. Justice Ahamadi, says,... "The judiciary of our Country has been assigned the role of a final arbiter and, therefore, it is charged with the duty to resolve the disputes brought before it. With despatch and extended the protection

of the laws to law-abiding citizens. It is, therefore, essential that every citizen who seeks to enforce his legal right or who seeks the protection of the law against the violation of his Legal right must have access to the dispute resolution mechanism for otherwise he will resort to other means to enforce or protect his legal rights. Access to justice is, therefore, essential for orderly governance of the country. The Concept that every individual should have equal access to justice is as old as the Magna Carta which pledged "To no one will we sell, to no one will we refuse or delay right or justice." And the right to counsel was statutory recognised by Henry VII in 1495, when it ordained "The justice---shall assign to the --- poor person or persons counsel learned, by their discretions" Which shall give their counsel nothing, for the same. The Concept of free legal aid enshrimed in Article 39 A of our Constitution is, therefore, old one."

The concept of justice is largely dependent on socio

1. Justice A.M. Ahamadi, the them a judge of Storeme Court in
a seminar on Legal aid at Hyderabad on 14-15- Septmber,
1991,; Legal Aid News Letter, July-Dec. 1991, p. 14.

Cultral heritage. The conscience of the constitution, which echoes the dims and aspirations of the people, speaks through its Preamble. Amongst other things it speaks of 5ocio-economic justice. But the concept of social justice, like all other abstract consepts, is eluding, not capable of a precise definition, not even in a broad formulation. The quest for idintifying the ideals of social justice began on our attaining independence and the pursuit is still on. Several reformative legistation were enacted to benefit the poorand umpteen number of poverty amelioration schemes have been introduced from time to time to combat poverty but, alas, the benefits of these legistations and schemes have not reached the poor on account of defective implementation, In an economic system like ours there is a related need for professional support to ensure effective implementation of such laws and schemes.

The concept of Legal aid was given a constitutional recognition by the 42nd amendment brought about in 1976 by the introduction of Article 39A in the Constitution. This

Concept is a wider concept and Lok Adalat system is a facet of that concept.

The experiment for the dispensation of justice through Lok Adalats was started in Junagarh district of Gujrat in March 1982 when the Country's first Lok Adalat was held at Una. But the expriment gained momentum owing to the pioneering of the then Chief justice of India, Mr. P. N. Bhagwati, in 1985-86. At present Such Courts operate in nearly in all over the Country. Some states have started a little late but by and large the major Stated are involved in the movement. The State level organisations which have been set up are not identical.

The cases which are generally brought before a Lok

Adalat relate to, among others, the following matters: criminal offences which are compoundable, mutation of land, family
distutes, land acquisition disputes, Revenue cases and motor

over
accident claims. None thousand Lok Adalats have been organis
1.Quick justice, editorial, The Hindustan Times, New Delhi,
Aug. 26, 1987.

forty two lacs cases have been settled. The Lok Adalats have so farsettled ever two lacs motar accident calims where compansation amounting to about Rs. 485,99,09, 323 was paid to the claiments. In U.P. over 1673 Lok Adalats have been organised so far in various parts of the state at which about 1702265 cases have been settled. The Lok Adalats have so far settled over 15942 motor Accident claims, where compensation amounting to over Rs. 5,867,984,68 was paid to the claimants. 2

For the purpose of the study, the Bundelkhand
Region of U.P. was taken which includes six districts of
U.P.: Jhansi, Jalaun, Banda, Lalitpur, Hamirpur and Mahoba.
In whole of the region 141 Lok Adalats have so far been
held. The number was the highest in 1995 and lowest in
1985. A clear-cut fluctuation is seen in the frequency
of Lok Adalats.

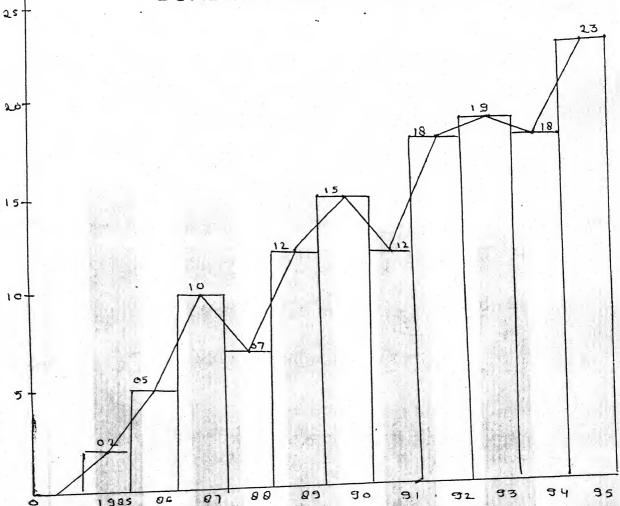
^{1.} Legal Aid News Letter, Oct-March 1994. p. 15 2. Legal Aid News Letter, Apr. - Sep. 1994. p. 15

number was decreased 1988. The number Lok Adalats further increased in 1989 and 1990 but in 1991, it was again decreased. A Growing trend seen in 1992 and 1993 but in 1994 this number was further decreased. In 1995, the number of Lok Adalats was the highest (See fig. 1).

Till 1995, over 179390 cases put up before the Lok Adalats in the BundelKhand region, out of which 124468 cases were disposed of. The percentage of the settled cases was 69.3% The number of settled cases was the highest in the district of Jhansi and was lowest in Jalaun district. (See table 19). The percentage of the settled cases was the highest in the district and lowest in the district Hamirpur(See fig. 2). In 1995, maximum cases were disposed of (See fig. 3). In total settled cases the no. of criminal ones was the highest, the revenue cases being at second place and the matrimonial cases were lowest in number (See fig. 4). The percentage of the criminal cases was the highest (See fig. 5).

The Lok Adalats have so far settled over 1102 MACT

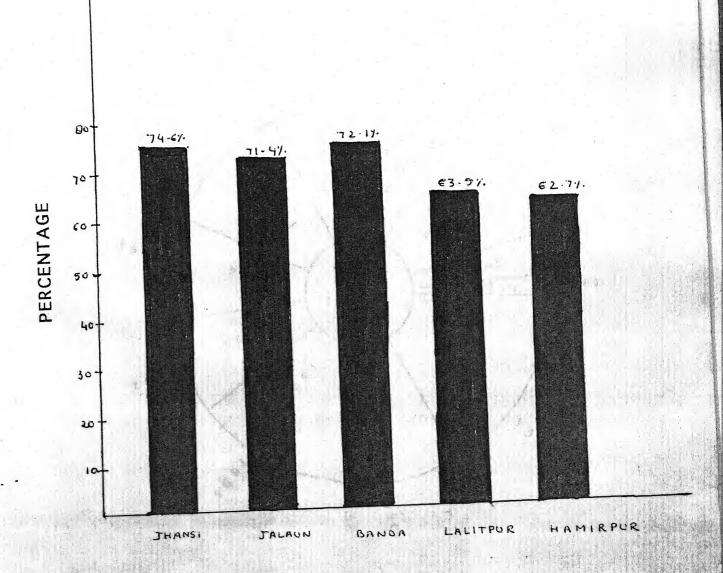
FREQUENCY OF THE LOKADALATS IN BUNDELKHABD REGION OF U.P.



YEARS

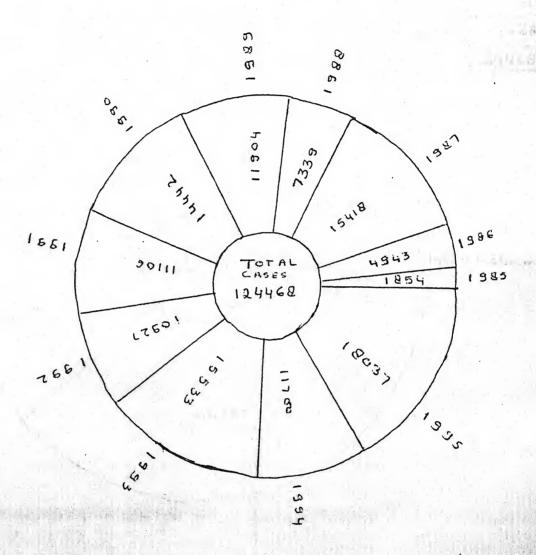
Fig.1

PERCENTAGE OF THE CASES SETTLED THROUGH LOK ADALATS IN THE DISTRICTS OF BUNDELKHAND REGION



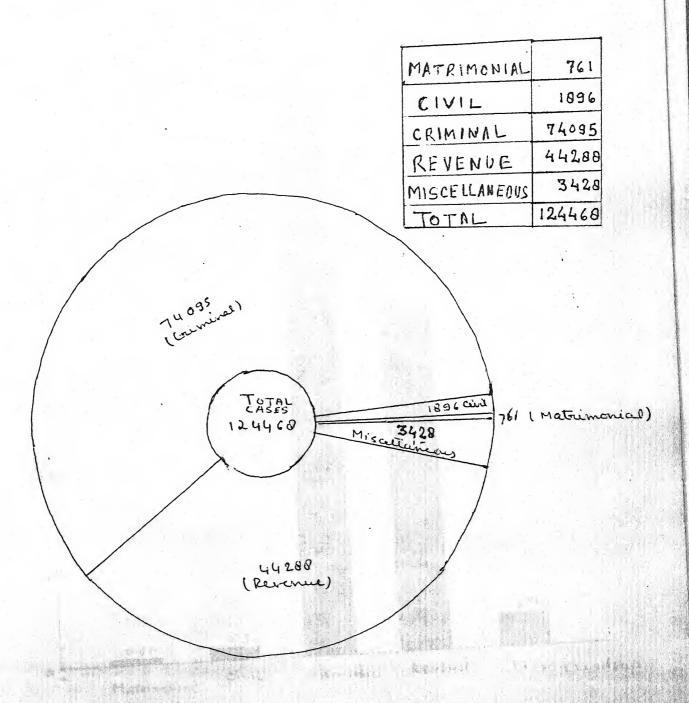
DISTRICT

YEARWISE DISTRIBUTION OF THE SETTLED CASES THROUGH LOK ADALATS



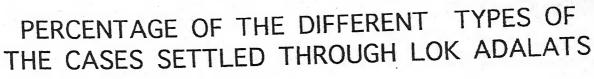
Pie Diagram

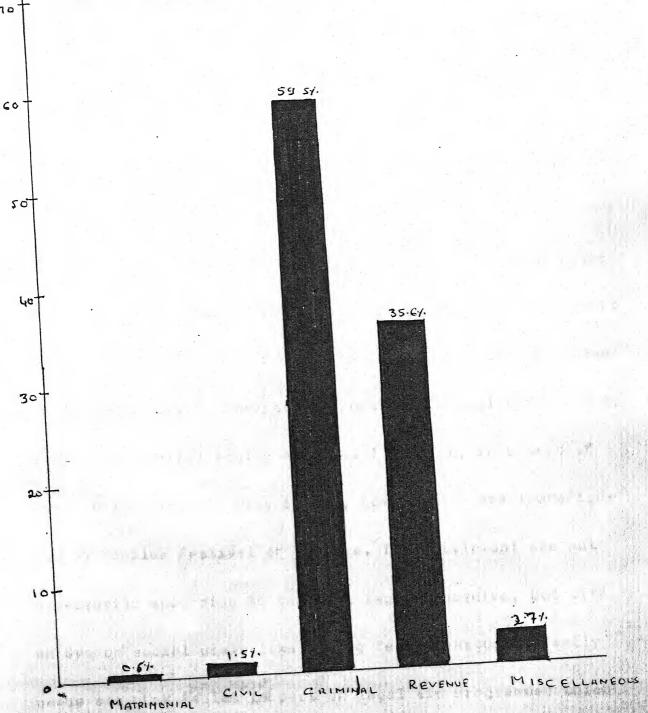
DISTRIBUTION OF THE CASES



Pie Diagram

Fig.4





PERCENTAGE

NATURE OF THE CASES

was 36.9% which is not very encouraging. In 1993 maximum number of MACT cases were disposed of. We also see a fluctuation in the frequency of MACT cases (See fig. 6). Rs.33403563

A Lok Adalat is not just a forum for dispute reso; lution or a contrivance introduced to reduce arrears of court cases. The drive behind the Lok Adalats is the consciousness of the community to prevent disgruption of local unity and to secure substantial equity and social justice, in a mood of human solidarity. In many places, Lok Adalats are transfigured as Peoples Festival of justice. The settlement are not necessarily according to technical legal procedive, but with an eye on social goals like ending feeds, restoring family peace stc. Lok Adalat to part of legal aid programmed which is introduced to fulfil the spirit Art. 39(A) of the Indian Constitution.

A study of working of Lok Adalats in BundelKhand
U.P.
region of shows that a large number of the beneficiaries th-

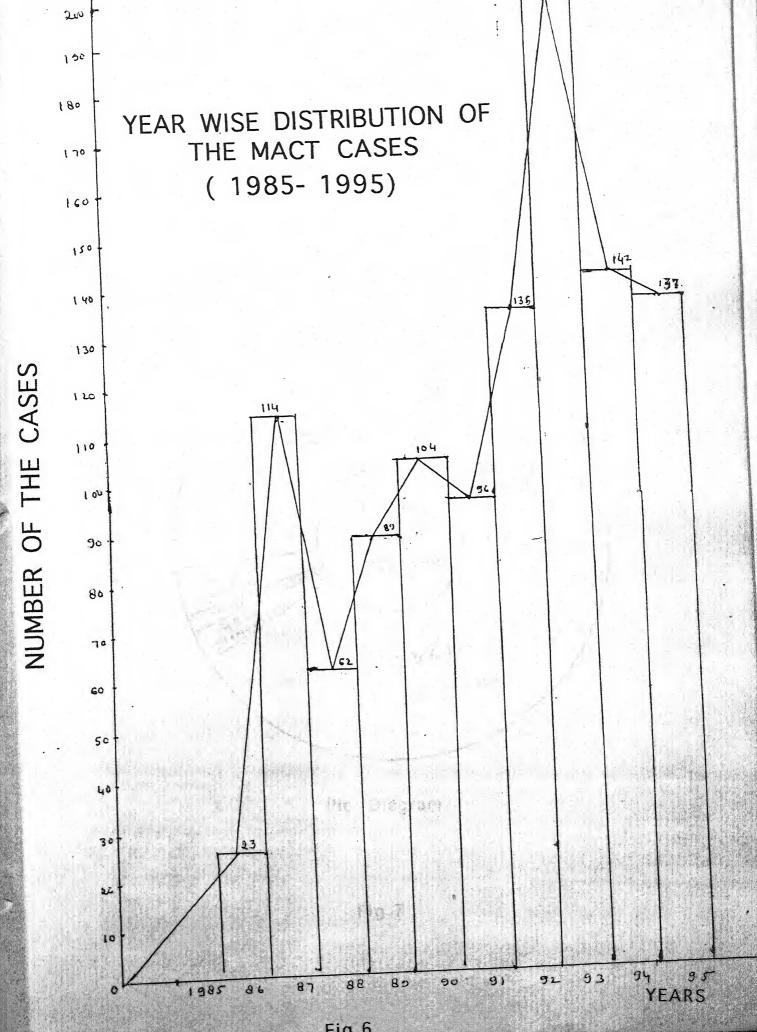
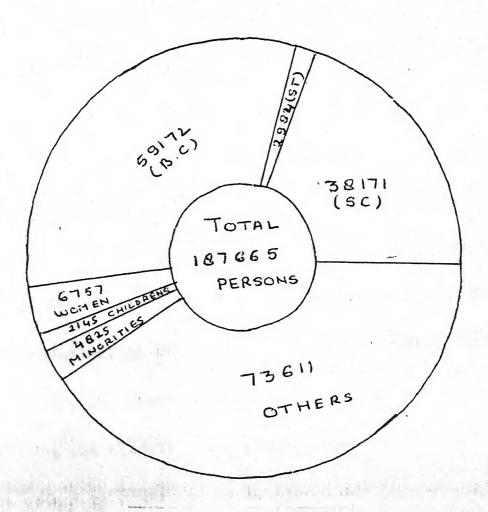


Fig.6

DISTRIBUTION OF THE BENEFICIARIES IN THE DIFFERENT CATEGORIES



Pie Diagram

Fig.7

rough Lok Adalats belongs to the weaker sections of the society. Maximum number of beneficiaries belongs to the beckward Classes and the Scheduled castes and other weaker of the community, is a demogratic Country and full protection is given to the minorities. A good number of the beneficiaries who belongs to the minorities is seen in the region.

Encouraged by the response that Lok Adalats have

Courds

received at the District level, the State Legal Aid Beek have

started organising Lok Adalats for cases pending in the High

Courts. The Lok Adalats have also been organised even for the

cases pending in the Supreme Court. Im 1989, first Lok Adalat

was organised at in the pemises of Supreme 200222 Court.

In the light of the experiences gained so far in organising Lok Adalats, it is now proposed to arm the Lok Adalats with more powers so as to make their functioning more affectively. For this purpose, the Legal Services Authorities Act, 1987 has been enacted. However, it has not yet come into force.

Lok Adalats represent refreshingly positive appreach to the settlement of disputes in mediation and conciliation rather than adjudication. Almost every fourth case that it taken to Court could have been avaided if only the letigants were persuaded to be more reasonable and accommodative in their postues. Lawyer can play a significant role by way of motivating their clients to strike compromises. Obviously only cettain types of disputes lend themselves to resolution by such conciliation efforts. As experience has shown compensation cal claims is in road or railway accidents, maintenance claims, guardianship disputes and some compossndable criminal offences have by and large proved amenable. commended Supreme Court has to High Courts a more extensive use of the system to cover cases involving land acquisition, land reforms and labour security laws. While the informality of the procedura is the reason of quick disposal by the Lok Adalat, the question that needs be examined in depth is whether the systme system has resulted in any dilution or tilting of justice all

fore the sake of expedition.

The Legal services Authorities Act makes Lok Adalats more effective by making their awards enforceable and
giving them powers to summon witnesses and documents etc.
But the basic Character of there people's Courts remains an
informal method of operation in which the aim is to make the
litigants agree to make compromise. Lok Adalats can only come into the picture when both sides agree to sellete their
disputs by compromise. This may be by transferring a pending
dispute in a Court.

If Lok Adalat fails to final a solution acceptable to both of the parties the parties. The case is automatically decided on merit according to regular procedure. It is thus meant to supplement rather than supplant regular courts and to reduce the backlog as well as to give quick and cheap justice. Justice delayed is justice demied. Lok Adalats are especially useful in solving small disputs and cases involving poor litigants who cannot bear the costs of a regular trial. Their awards once accepted by both the parties are also final

and cannot be appealed against.

Resolving of motor accident cases is an area in which Lok Adalats have rendered yeoman service because of the Loperation they have received from the General Insurance corporation at all India level. But in Bundelkhand region Lok Adalats could not do much work in this direction. The number of Settled MACT cases in the BundelKhand Region is less than forty percent of the proposed cases. The functioning of Lok Adalats in MACT cases invites some criticesm. It is said that Lok Adalats are not fufilling their purpose because illitarate and poor people are being virtually forced to accept decisions which are contracy to their interests by various againcies agencies ranging from the police to the judge. Insofar as this criticiam is valid, the need is to provide safeguards against arm-twisting methods and not to abolish an institution which is proving a credible alter-The property of the property o native.

^{1.} Quick Justice; edilorial, Hindustan times(New Delhi)
Aug. 26, 1987.

It is necessary to observe that Lok Adalats cannot by themselves provide the answer to the flood of litigation which threatens to overtake society today. What is required is a comprehensive package of related schemes which will ensure both the prevention of unnesessary litigation and the speedy resolution of disputes which enter the Courts.

It is said that Lok Adalats are more successful in settling the MACT cases than other types of cases of the Total number of the cases which have been disposed of through Lok Adalats whose numbers is over 42 There hardly a three lacs cases which blongs to Motor accident category. Therefore it is not very correct to say that the emphasis is on the disposal of Motor accident cases. The percentage of the settled MACT cases in the BundelKhand region is also special advantage of Justice A.M.Ahamadi recognised special advantage of Lok Adalats in the following words,"The basic idea is to idea is to see that the parties are brought to negotiation table. They are made to discuss inter what the problems are over a period of time. When emotions settle down they see

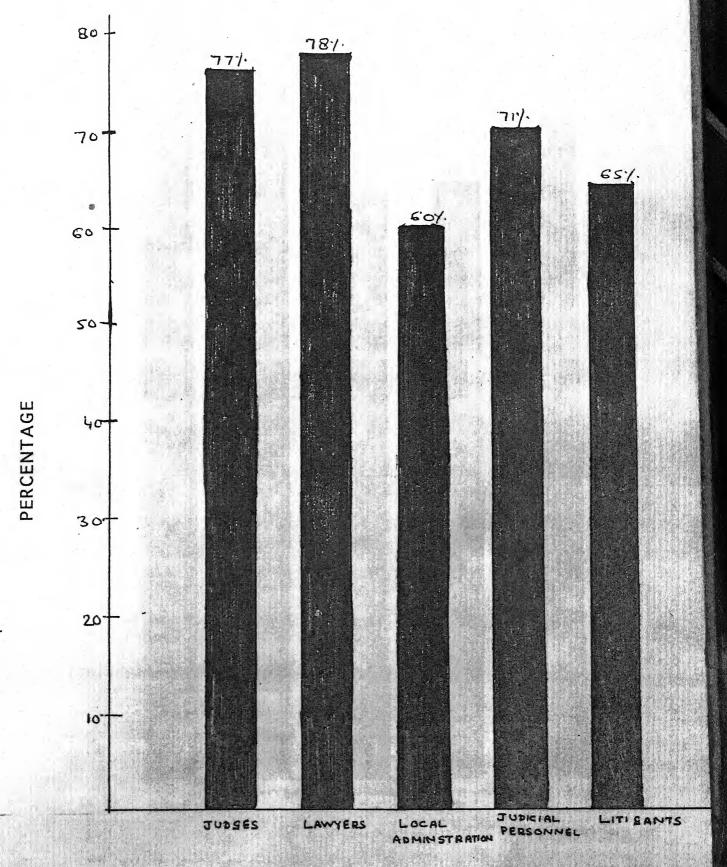
with the law but can be more liberal in its approach and problems can be settled in a little different manner than what can happen in a court of law. It is, therefore, on account of this advantage and informality attached to Lok Adalats that more and more people may like to have their disputes settled through Lok Adalats."

The general attitude towards Lok Adalats @@@@@
seems positive. A study of different groups of Bundelkhand
region indicates that most of the persons of society fael the
at Lok Adalats are doing an important job in despesing justice. For the purpose of the study two attitudes scales were
constructed and administered. The attitude Scale No.1 was related with the impact of Lok Adalats. Amanalysis of the respondents of the attitude scale No.1 indicates a positive
spondents of the attitude scale No.1 indicates a positive
1. Justice A.M. Ahmati in the workshop "On Lok Adalat-An App1. Justice A.M. Ahmati in the wor

impact of Lok Adalats on related subgroup. The average percentage of the positive impact of different subgroups was seventy. The indimation of judges, lawyers and judicial personal towards Lok Adalats was above the average percentage and the inclination of judicial administration and the litigants was below the average percentage (See fig. 8). The attitude Scale No.2 is related to the opening openion of different Sub groups about Lok Adalats- A study of the @@ news of the respondents of this scale indicates a positive opinion of the different subgroups. The average percentage of the openion of different Sub-groups was 69%. The inclination of the judicial officers and lawyers towards Lok Adalats was above the average percentage the inclination of administrative personnel and Citizens was below the average percentage (See fig. 9). In general the attitude of the different Subgroups in both the attitude Scales was positive in the BundelKhand region of U.P.

After a careful study of some books and articles published in the different Journals and news papers and dur-

IMPACT OF LOKADALATS ON RELATED SUBGROUPS



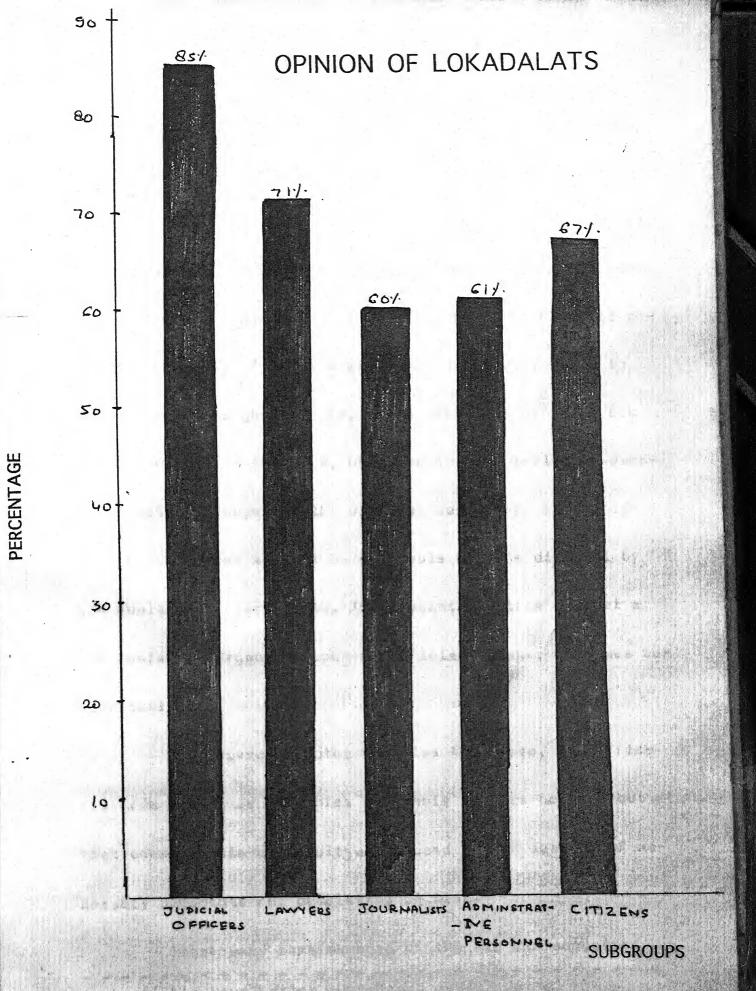


Fig.9

ing the course of the interview at the time of Lok Adalats, Some suggestions are made by the members of Bar and others. It is suggested that the Lok Adalats' sittings should be made regularly, monthly or fortnightly. Justice Gumanmal Lodha former judge of Rajasthan High Courts, has also favoured this view. He says, 'If Lok Adalats are held every month in every Court throughout India, the dimaensions of there Lok Adalats would far increasi, which would be a real achievement." But the judges of the district Courts are of opinion that enough cases may not be available for the disposal by Lok Adalats in every month. The present practice is that a Lok Adalat is organised when a sufficient number of cases become available.

In regard to Motor Vehicles Act cases, the officers from insurance companies and their lawyers pointed out that considerable difficultywas caused by the absence of necessary documents for completing of file.

There were some members of the bar who suggested

1. Legal Aid News Letter, Oct-March 1994, p.6

that the jurisdiction of the Lok Adalat can be increased to include labour and industrial disputes also. This is good suggestion and the possibility of including labour and industrial disputes within the framework of the Lok Adalat can also be explored. As the Inspector General of Prison, Delhi, Mrs. Kiran Bedi suggested that the Lok Adalats, should also be organised in the premises of Jail. Since Lok Adalat is a conciliatory forum, only compoundable criminal matter can be taken up in a Lok Adalat. It is obvious that neither pompous legistative declaration nor pontific judicial pronouncement, are of the slightest use to the masses of the people who know wm nothing about the laws inacted for their benefit or the cases decided to advance their causes. Former Chief Justice of India Justice R.S.Pathak has observed, ".. It is necessary to evolve popular systems of legal eduction among the masses. Millions of our Countrymen suffer injustice at the hands of the unserupulous simply because they are not aware of their rights and the facilities available for enforcing them." 1. Editorial, Legal News Letter, May-Aug. 1987.

It is evident that a massive National programme of legal literacy has to be the basic and most vital step inany scheme genuinely intended to provide legal aid. Now we have agricultural extension officers to popularise scientific methods of agriculture and to instruct rural folk in the applications of such scientific methods. We have family planning doctors and health visitors who visit rural areas to propagate family planning. why cannot we have State salaried law Counsalers or legal officers for every small group of villages assisted by a staff of social investigators whose duty is to go round the rural areas and investigate into legal requirements of the people. Any programme of legal aid without a programme of Legal literacy amounts to a shot in the dark. A concurrent efforts must be made to promote legal literacy among the Common masses of the Country.

It is necessary that the mass media like the television, radio and press should be mobilised to propagate the various schemes and programmes far providing legal aid to the poor and the benefits of Lok Adalats. There is a general feeling that this aspect of the matter is being sadly neglected; by the mass in the present context. For the regular and proper functioning of Lok Adalats the Government of should create a separate @ found.

It is also suggested that the long awaited Parliamentary legistation may be enacted to sirengthem Lok Adala.

ts . All efforts must be made to resolve the disputes of
civil nature, by pacific mede of settlement, like arbitration, conciliation, negotiations etc; and resort to courts in
all such cases must be allowed only when it is absolutely
necessary to do so.

It is suggested that the criminal cases which are not compound fable according to the code of criminal procedure should be made compoundable in the lok Adalats at the Choice of parties even if the parties of a murder case want to dispose of their case by compromise. No law should interfere in doing so.

The institution of Lok Adalat is in its infant stage. It is too early to predict the extent of its success. The possibility of above abuse cannot be discounted altogether. It suggested that there should be a periodical review of the working of Lok Adalats in every State every year by an independent body of high intellectuals of society.

It also suggested that the topic Lok Adalats should be included in the syllabus of law degree in all law colleges in India. It can also be introduced in the syllabus of some Science political Science, Public administration etc.

The above suggestions, if implemented, can make

Justice available to all. It is for this purpose that the

problem of legal and must be viewed seriously and tackled at

the earliest in the interests of the deprived sections of

our society. Former Chief justice of India Justice R.S. Pathak

has said once, "We must remember that India belongs to the

poor as much as it does to the rich, that the constitutional

promise of a better life and a happier future is as much the

heritage of the depressed and downtrodden as it is of the

affluent, and that India can never be truly strong untill all our people are brought within the fold of national progress. It is, therefore, the bounden duty of the privilaged and the well-to-do to reach out to the poor, and to dedicate themselves to the great task of converting that constitutional promise into the fulfilment of reality. They have the resources and they must have the will."

At last, it can be said that the institution of
Lok Adalat is the call of time. The achievements in petty
disputes are indeed encouraging in the BundelKhand region also. Lok Adalats have a great potential in reflucing the accumulated arrears in Courts though admittedly that is not its
primary objective. There is a scope for organizing it in factories, farms, universities, of Course, newspaper establishments. All that it requires is a willingness on the part of
the people to settle claims or disputes through negotiations.

Organising Lok - Adalats outside the court system is perhaps
1. Legal Aid News Letter, May-Aug, 1981, p. 4.

the first step towards mobilising peoples support to the institution and integrating it with the formal judicial system. In perfecting this process lawyers and judges, legislators and media people will have to give sympathetic yet critic fal support to the experiment. Of course, any institution in the hands of the wrong people can be counterproductive. From all available evidences, Lok Adalats have so far been in the hands of a section of people in whom society still has the greater faith and respect, namely, Indian Judges. It is expected of all right-thinking people crying always for judicial reform to give a fair trial to Lok Adalats and not jump to hasty conclusion on the basis of inadequate data and assumptions.

APPENDICES

A. PREAMBLE OF THE INDIAN CONSTITUTION

WE, THE PEOPLE OF INDIA.

having Somemnly resolved to Constitute
India into a SOVEREIGN SOCIALIST SECULAR
DEMOCRATIC REPUBLIC and to Secure to all
its Citizens:

JUSTICE; social, economic and political;
LIBERTY of thought, expression, belief,
and wor ship, faith, EQUALITY of Status
and of opportunity; and to promote among them all,

FRATERNITY assuring the dignity of the individual and the unity and integnity of the Nation; INOUR CONSTITUENT ASSEMBLY this time-nty-Sixth day of November, 202 1949, HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

B.ARTICLE'39A'OF THE INDIAN CONSTITUTION 39 A. Equal Justice and free legal Aid:

"The state shall secure that the operation of the legal System promotes justice, on a basis of equal opportunity promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

C. NUMBER OF LOK ADALATS ORGANISED STATE LEGAL AID AND ADVICE BOARDS/DISTRICT LEGAL AID COMMITTEES, CASES BY SETTLED, AMOUNT OF COMPENSATION PAID

(Based on the information available with CILAS- as on 31-3-1994)

. No.	Name of the Sta Advice Board	te Le	gal A	id and	1	Number of Lok Adalats organised	Number of cases ' (including MACT cases) settled	Motor Accident Claims Tribunal Cases settled	Amount of compensation paid to the Claimants Rs.
								*	7.
1.	Andhra Pradesh	•				301	2,11,315	17,959	51,46,04,567
	Assam · ·					52	5,286	1228	4,82,71,852
	Bihar · ·			100		16	40,181	209	89,39,580
-	Goa · ·					19	1,514	851	3,19,87,751
	Gujarat · ·					743	1,07,914	21,617	54,75,00,000
	Haryana ·		. 0			429	1,40,734	6,328	26,80,25,997
7.	Himachal Pradesh					36	10,763	367	91,26,361
	Jammu & Kashmir					1	76	76	59,97,000
9.	Karnataka ·					1,369	2,75,935	30,830	52,27,27,407
9. 10	Kerala · ·					30	18,583	13,194	7,26,49,795
11.	Madnya Pradesh					440	5,45,699	51,406	19,61,76,432
	Maharashtra ·					1,105	58,446	8,800	19,84,74,930
12.						4	476	67	20,02,000
13.	Manipur					3	236	114	39,54,000
14-	Meghalaya	•	•			4	268	196	43,34,000
15.	Mizoram			·		1,783	5,00,045	6,202	17,58,43,50
16.	Orissa · ·		•	•		116	22,674	6,069	12,22,73,449
17.	Punjab ·	•	•	•		321	5,56,463	10,878-	33,03,07,71
18.	Rajasthan	•	•	•		3	10	- 1	
19.	Sikkim ·	•	•	•	•	. 492	24,957	24,854	68,54,67,07
20.	Tamil Nadu		•			. 432	474	85	28,14,50
21	Tripura ·	•	•	•		1,673	17.02,265	15,942	53,45,04,87
22.	Uttar Pradesh	•	•	- :		32	2.275	1,424	5,46,56,70
23.	West Bengal	•	•	•	•	10	1,689	140	82,75,80
24.	Chandigarh	•		- 1	•		7,971	6,316	48,94,71,48
25.	Delhi .	•	•		•	23	998	992	2,15,51 55
26	Pondicherry	•	•	· i	•	19	720	A LEE LAND	
	GRAND TOTAL		٠			9,027	42,37,147	2,26,144	485,99,09,32

NUMBER OF PERSONS PROVIDED LEGAL AID AND ADVICE IN LAW COURTS

(Based on the information available with CILAS-as on 31-3-1994)

SI. No.	Name of the State/ Union Territory					General	Schedu- led Caste	Schedu- led Tribe	Back- ward Class	Women	Children	Total
1	2					3	4	. 5	6	7	8	9
1.	Andhra Pradesh · · ·					7746	3,047	1,539	3,894	2,753	169	19,148
2.	Arunachal Pradesh ·	•	•	•		965	67	240	46	40		1,358
3.	Assam · · · ·	•			•.	1,170	4		4	2		1,180
4.	Bihar · · · ·	•	•	•		2,790			-	495		3,285
5.	Goa · · · ·	•	• 10	•	•	85	1		192	143		421
6.	Gujarat · · ·	•	•	•	•	9,316	2,950	1,541	,	3,068	130	17,005
7.	Haryana · · · ·					6,019	403	42	2 98	642	238	7,642
8.	Himachal Pradesh · ·	•	•		• .	511	285	24	32	147	1	1,000
9.	Jammu & Kashmir .					4,359	364	32	152	2,200	145	7,252
0.	Karnataka · · ·			-		20,947	5,388	1,601	19,694	6,807	57	54,494
11.	Kerala · · · ·				•	1,175	-	-	-	2	-warne	1,177
2.	Madhya Pradesh · ·	•				2,27,020	1,39,077	1,20,389				4,86,486
13.	Maharashtra · · ·					60,148	7 557	4,324	-	7,749	428	80,206
14.	Manipur · · ·		•			49	-	11		45	12	117
15.	Meghalaya · · ·		•	•		80	-	-				80
16.	Mizoram · · ·				٠.	1,400	16	662	11	26		2,115
17.	Nagaland · · ·				•			2	-			2
18.	Orissa · · ·					25,802	26,008	17,153	-	19,781	367	89,111
19.	Punjab · · ·				•.	5,847	1,948	247	1,235	499	. 24	9,800
20.	Rajasthan · · ·					6,879	4,411	8,250	462	- 2,984	409	23,395
21.	Sikkim					148	7	21	_	27	1	204
22.	Tamil Nadu · · ·					4,85,707	76,504	8,530	_	1,01550	1,102	6,73,393
23.	Tripura · · ·					1,650	_					1,650
24.	Uttar Pradesh · ·					92,253	29,522	4,444	34,009	3,307	3,025	1,72,560
25.	West Bengal · · ·			•	•	21,010	4,672	788	560	4,470	117	31,617
26.	Andaman & Nicobar Islands	•		•		10	_			_	-	10
27.	Delhi · · · ·					24,191	1,210	15	_	6,366	50	31,832
28.	Pondicherry · · ·					245	5,823	14	3,583	1,873	1,198	12,736
29.	Supreme Court Legal Aid Co	mmitte	e ·			57,455	526	200	11	1,054	- 6	59,252
	GRAND TOTAL · ·					10,64,977	3,09,790	1,70,069	64 183	1,72,030	7,479	17,88,528

E. Frequency of Lok Adalats in the Bundelkhand Rggion(1985-95)

Years	Jhansi	Jalaun	Banda	Lalitpu	r Hamirpur (including Mahoba)	Total
1985 1986	1	2	X	2	1 X	02 05
1987 1988 1989 1990 1991 1992 1993 1994 1995	2 1 3 5 5 2 5 5 4	1 1 3 X 2 4 3 3	2 1 2 2 2 6 3 5 8	2 3 3 4 2 5 3 2 4	3 1 3 1 3 3 4 3 4	10 07 12 15 12 18 19 18 23
Total	34	20	31	30	26	141

Details of cases settled through the Lok Adala to

in the Bundelkhand Region of U.P. (1985-95).

	o.ofLok dalats	No.of the cases put up before the LokAdalats	No. of sett- led cases	percentage of the Sett- led cases
Jhansi Jalaun Banda Lalitpur Hamirpur (includin	34 20 31 30 26	43586 18936 48768 40778 27322	32554 13532 35173 26074 17135	74.6% 71.4% 72.1% 63.9% 62.7%
Mahoba)	 141	1,79390	124468	69.3%

Yearwise details of the cases settled by Lok Adalats in the Bundelkhand region of U.F. (1985-95)

District→	Jhansi	Jalaun	Banda	Lalit-	Hamir-	Total
Year •				pur	pur(in cluding hoba)	Ma-
1985 1986 1987 1988 1989 1990 1991 1992 1993 1994	1297 867 1094 345 3130 5999 4982 1831 4338 4461 4209	1869 1417 873 1076 1990 - 1359 2126 1882 940	7207 2732 2319 2508 1343 3447 3818 2044 8484	2207 2844 2449 2862 3109 2163 2304 3188 2167 2787	557 - 2856 939 2517 836 2618 1986 2063 1146 1617	1854 4943 15418 7339 11904 14442 11106 10927 15533 11700 18037
Total	32554	13532	35173	26074	17135	124468

H. Nature of cases settled by Lok Adalats in the Bundelkhand

Region of U.P. (1985-95).

	-					وريد أبد المد			
Name of	Nool	No.of	Matrimo	Civi	l Crim	- Reve	Misl-	Fine	1000
the dis-	A	- C. C. C. C.	nial		inal	nue	lacn	(in	
trict	Adala	t Settle@		The regions reduce a	A-M		eous	Rs.	F.
					* , _ x = _ = yj (* _ x · ;	W 4 W	der television (1941)	199	
Jhansi	34	32554	255	569	24450	7052	228	974900	1
Jalaun	20	13532	152	473	7586	4201	1120	487377	
Banda	31	35173	122	331	16689	16916		837801	
Lalit-					411				No. of Lot
put	30	26074	189	196	15118	10376	195	606880	
Hamir-			· · · · · · · · · · · · · · · · · · ·	the met of					
pur (in	26	13135	43	327	10252	5743	770	993512	Mary State
cluding		GULOU							
Mahoba		Mary 201 - 2	2010	65390	HASTOL.	23	Ind M		STATE OF
11 2 3007	2 3 2	37212 20	1020L L4	LHOLL					子子なる
Total	41 1	24460	1 764 11	1006	24005		- 7 - 5 - 7		100

PEYCENTAGE OF THE CASES:

Percontage

Matrinionial Civil Criminal Revenue Miscellaneous

0.6% 1.5% 59.5% 35.5% 2.7%

J. Districtvice and yearwise details of the MACT cases in Bundelkhand Region of U.P. (1985-95).

District) et Year	Jhansi	Jalaun	Banda	Lalit- put	Hamirpur (including Mahoba)	Total
1985		- *	_	_	_ *	₹,
1986	•	8		15	· -	23
1987	41	4.	18	2624	27	114
1988	21	17	08	16	_	62
1889	43	. 12	22	12	-	89
1990	30	52	07	14	01	104
1991	40	-	05	28	23	96
1992	25	31	38	21	20	135
1993	100	21	39	23	17.	200
1994	51	18	37	25	11	142
1995	41	18	34	34	10	137
	700	404	200	212	109	1102
Total	392	181	208	212		

K. The Statement of the Quantum of Compensation (in &.)

awarded though Lok Adalats in the Settlement of MACT cases

in Bundelkhand region of U.P. (1985-1995).

Distr	ict > Jhans	si Jalaur	Banda	Lalitp	ur Hamir	- Total
ct Ye	ar		Ju (1)		pur (includir Mahoba)	ŋg
			·			· ·)
1985	-	-		7.		<u> </u>
1986		160200	10 m	127033	· ·	287235
1987	1083225	88000	22800	1165390	261000	2620415
1988	380750	387230	191890	168654	5	1128524
1989	1077250	428000	434500	229058		2168808
1990	800500	984500	14800	250098	15000	2064898
1991	906100		123000	123279	4425500	5577879
1992	5151500	1835500	741170	129008	722000	8619238
1993	3596200	7840001	194523	120015	582500	5202138
1994	1849750	7275454	and the second of the second o	1283285	653000	9430080
1995	1449000	896000	873250	1141200	360000	4719450
Total	1168725	6330975	8521433	5845880	7019000	33403563
	A = A + A					

[Details about beneficiaries] N BUNDELKHAND Region of U.P.]

Name of the	No.of Lok Categorywise No. of Total Adalats Beneficiaries SC ST BC Others Wom Chi Mino en ldren rities
Jhansi 34 Jalaun 20 Banda 31 Lalitpur 30 Hamirpur 26 including Mahoba	11365 1086 9528 13678 2447 248 - 38352 5063 103 8710 13021 503 131 860 28391 7742 57111586 23254 1208 296 1784 4644 8606 85919778 12719 905 572 1305 44744 5395 365 9570 10939 1694 898 876 29737
Total 141	38171 298459172 73611 6757 2145 4825 187665

Percentage of the beneficiaries [category-wise]

M.

Category		Percentage	
S.C. S.T.	:	20.2%	
B.C. Women		31.4% 3.5% 1.1%	
Children Others	į	2.5%	

Attitude Scale No 1

The present (scale ; is made to measure the attitude toward the 'Lok Adalats' from various related groups.

These are Judges, Lawyers, local Administration, Judicial administration and litigants.

प्रतृत केन लोक अदालतों के प्रति विभिन्न सम्यन्धित वर्गों के द्विष्टकोणा के मापन हेतु बना**शाणका**है। ये वर्ग है : न्यायाधोशा, वकोल, त्थानीय प्रशासन, न्यायिक प्रशासन एवं वादी।

Instruction:

The present is only to measure your attitude towards

Lok Adalats. Read every statement carefully and put a tick (/) mark to one of the five responses indicating your choice. Please see that you make a tick mark for only/reply or choice. You have to reply to all the statements. Please / don't leave any statement.

निर्देश १- प्रतुत किन निक अदरलतों के प्रति आपके दृष्टिकोण का मापन करने के लिए है। प्रत्येक कथन को सावधानो पूर्वक पढिये सामने दिये गये पाँच विकल्पों में से किसी एक पर सही का निशान अपने दृष्टिकोण के अनुसार लगाइयें। किसी भो कथन को छोड़े नहीं

strongly Agree Neutral Disa- Stron-Agree gly Disagree

1.Lok Adalats have been helpful to reduce the huge areas of Cases in the various Courts.

The state of the s

लोक अंदालतें विभिन्न अंदालतों में मुकदमों के बोध को कम करने में तहायक रही है। strongly Agree Neutral Disa- Stron-Agree gree gly Disag-

2. The process adopted in the-Lok Adalats is more convenient than the general judicial process.

लोक अदालतों द्वारा अपनायों गई पृक्तिया सामान्य न्यायिक पृक्तिया को तुलना में अधिक सुविधाजनक है।

3. I feel self-satisfaction and happiness to participate in Lok Adalats.

ोक अदालतों में भाग लेकर में आत्म संतुष्टि एवं प्रसन्नता अनुभव करता हूँ।

4. To organize a Lok Adalat: is an inconvenient work.

लोक अदालत आयोजन एक असुविधाजनक कार्य है।

5.To organize Lok Adalat is only to fellow the directions of the higher Courts and authorities. लोक अदालत का आयोजन केवल उच्चा— धिकारियों एवं न्यायालयों के आदेशों का अनुपालन मात्र है। 6.To organize Lok Adalats in a holiday is a loss of a holiday. Therefore Lok Adalats should be organized on a working day.

अवकाश के दिन लोक अदालत का लगना एक अवकाश दिवस को हानि है अतः कोक अवालत कार्य दिवस में लगना

चाहिए।

strongly Agree Newtral Dise- Stron-Agree gly Disagree

7. In Lok Adalats Cases are settled in a speedy manner. This affects the income of Lawyers.

लोक अदालतों में मुकद्रमें जल्दी हल हो जाते है इससे वकोलों की आय मुशावित होती है।

8.Lok Adalats provide unexpensive justice to the poor and downtrodden.

लोक अदालतें गरी बों और दलितों को तस्ता न्याय सुलभ करातो है।

9. The attitude of Lawyers has been honcooperative to settle the cases in Lok - Adalats.

लोक अदालतों में मुकदमें सुलकाने में वकोलों का रवैया असहयोग पूर्ण रहा है।

10. Lawyers fully co-operate to settle the disputes presented before the Lok Adalats.

लोक अदालतों में प्रस्तुत मुकदमों को जुलकाने में वकील पूरा सहयोग करते है।

11.Lawyers bargain with the litigants to settle their dispute in Lok Adalate behind the curtain.

यकील पर्वे के मीठे वादियों से लोक अदालतों के मूक में ुतुलझाने में लेन-देन करते हैं। strongly Agree Newtral Disa- Stron-Agree gly Disagree

12. It is an extra burden on local administration to maintain law and order in the premises in Lok Adalats.

लोक अवालतों के आयोजन में परितर में कानून व व्यवस्था बनाये रखना तथानीय प्रशासन पर एक अतिरिक्त भार है।

There is no inconvenience in maintaing law and order in the premises where Lok-Adalats are held.

जिस परितर में लोक अंदालतें लगाई जाती है असमें कानून व व्यवस्था बनाये रघने में कोई असुविधा नहीं होती है।

14.Lok Adalats should be organised only indepremises of District ict or Tahsil courts.

लोक अदालतें केवल जिला व तहसील न्यायालयों के परिसर में ही लगाई जानी याहिए।

15. It is in the interest of the poor and the downtrodden if Lok Adalats are held in the interrior areas.

लोक अदालतों का पिछड़े व दुर्गम क्षेत्रों में लगाया जाना गरोब व दलतों के हित में है।

17.Lok Adalats have created many problems before the judicial administration,

लोक अदालतों ने न्यायिक प्रशासन के समक्ष अनेक समस्याये पैदा को है। strongly Agree Nætdral Disa- Stron-Agree gree gly Disagree

18.To organize a Lok Adalats, is only a wartage of time and money.

धोक अदालतों का आयोजन तमय

16. If Lok Adalats are held in the interriers, it would be a problem for the administration to maintain law and order.

यांद लोक अदालतें पिछडे क्षेत्रों में लगाई जातों है यह प्रशासन के लिए कानून व्यवस्था बनाये रखने के लिए समस्या पैदा होगाय

19.To provide legal aid and advice in Lok Adalats to the poor is a difficult task.
गरोबों को लोक अदालतों में काूनूनो सहायता व सलाह देना एक जटल कार्यहै।

20.To manage the literature to provide legal literacy in Lok Adalats is a difficult and expensive task.

लोक अदालतों में कानूनी साक्ष्रता सम्बन्धी ताहित्य का प्रबन्ध एक कठिन और मॅहगा कार्य है।

Attitude Scale No. 2

The present scale: is made to measure the opinion of various section of the society about box the role of
Selected
Lok Adalat. The groups for the opinion are: Judges, Lawyers,
Press, Administration and General public.

प्रतृत स्केत तमाज के विभिन्न वर्गों की लोक अदालत के बारे में राय के मापन हेतु निर्मित की गई है। जो समय राय के लिए वयनित किये गये हैं वे है- न्यायाधीशा, अधिवक्ता, प्रेत, प्रशासन एवं सामान्य जनता।

Instructions— The present scale is made only to measure your opinion towards Lok Adalats. Read every statement carefully and put a tick (/) mark to one of the five responses indicating of your choice. Please see that you make a tick mark for only one reply or choice. You have to reply to all please the Statements. Don't leave any statement.

निर्देश :- प्रतुत , किन । की लोक अदालतों के प्रति आपकी राय के मापन के उद्देश य ते निर्मित है। प्रत्येक कथन को सावधानी से पढ़िये और सामने दिये गये पाँच विकल्पों में ते किसी एक पर सही निशान अपने विवेक के अनुसार लगाइये। किसी भी कथन को छोड़े नहीं '

and the metally to the

A CARLO SIGN PROTECTION STATE OF STATE

200

strongly Agree Neutral Disa- Strong Agree gly Disag-

1.Lok Adalats are helpful to solve disputes amicably. लोक अदालतें विवादों को तौहार् पूर्ण तरोके से मुक्झाने में तहायक है।

2.Lok Adalat s save the money and time of the lit-igants.

लोक अदालत दादियों का समय और धन बचाती है।

3.Lok Adalats have been an effective Way to provide prompt justice.

लोक अदालतें त्वरित न्याय दिलाने का एव प्रभावी ताधन है।

4.Lok Adalats have played a successful role to reduce social tension.

लोक अदालतां ने सामाजिक तनावां को कम करने में तकल भूमिका निभाई है।

5.Lok Adalats have been more successful to dispose of Motor Accident claims ca-ses.

मोटर दुर्घटना सम्बन्धी विवादों को सुम्रमान में लोक अदालतें अधिक सकत रही है।

6.Junior Lawyers have no interest in Lok Adalats. किन्छिठ वकील लोक अदरलतों में किंचि नहीं लेते हैं। strongly Agree Newtral Disa- Stron-Agree gree gly Disag-

7.Lok Adalats are nothing but a drama or formality.
लोक अदालतें एक ड्रामे या औपचारिकता ते अधिक कुछ नही है।

8.Lok Adalats have been more successful to Settle revenue and light criminal disputes. लोक अदालतें राजस्व व हल्के असराधिक मामलों को सुझलाने में अधिक सफलरहीहै।

9, Lok Adalats have not been successful to solve disputes of serious nature.
लोक अदालतें गंभीर प्कृति के विवादों को निपटाने में तकल नहीं रही है।

10.The main weakness of Lok Adalats is the absence of strong legal base. लोक अदालत को मुख्य दुर्बलता सुदूद कानूनो आधार पर अभाव है।

11.The process of the selection of conciliators inLok Adalats is defective. लोक अदालतों में सुलहकत आहें के वयन का तरीका दोषपूर्ण है।

- Lar to park 2. That was in the

strongly Agree Newtral Disa- Stron-Agree gree gly Disagree

12.Lok Adalats are a way to achieve the goal of Social Justice.

> लोक अदालतें तामाजिक न्याय पाप्त करने का एक भाष्यम है।

> 13.Lok Adalat is a forum to promote legal literary.
> लोक अदालत कान्नी ताक्षरता को

पोत्ताहित करने का एक मंच है।

14.Lok Adalats/encouraged an effective consciousness among the poor and downtrodden to find justice.

लोक अदालतों ने गरीबों और दलितों में न्याय प्राप्त करने की एक प्रभावी वेतना दिकतित की है।

15. Lok Adalat should be organized in every district at least once a in a month.

लोक अदालत कम तेकम माह में एक बार अवश्य लगना चाहिये।

16. Government is not serious to strengthen the sanction of Lok Adalats.

तरकार की लोक अदालतों की प्रभावो बनाने में अधिक शचनहीं है। strongly Agree Netitral Disagree Strongly D-Agree isagre

17. Most of the people are not familiar with Lok Adalts.
अधिकतर व्यक्ति लोक अदालतों ते/ नहीं है।

'settled cases
18. The figure of the'/shown in Lok-Adalats is often
found false.
लोक अदालतों में भोषित मुद्दमें की
संख्या अक्सर गलत होती है।

19.Press has played a positive role to strengthen Lok Adalats. प्रेत ने लोक अदालतों को प्रोत्साहित करन में तकारात्मक भूमका निभाईहै।

20. To maintain law and order in the premises Lok Adalats, is a challange for the local administration.
लोक अदालतों के परिसर में कानून व ट्यास्था को बनाये रखना स्थानीय प्यासन के लिए एक युनौती है।

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